

FEDERAL REGISTER

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

VOLUME 11 NUMBER 134

Washington, Thursday, July 11, 1946

Regulations

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Operations Order 75]

OREGON

ESTABLISHMENT OF BOARD OF APPEAL AREA

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Colonel Elmer V. Wooton, State Director of Selective Service for the State of Oregon, I hereby order:

1. That the State Director of Selective Service for the State of Oregon is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1 and 2 for the State of Oregon, and to establish one board of appeal area having more than 70,000 registrants as the result of the first registration, which board of appeal area shall be coextensive with heretofore defined areas of Boards of Appeal 1 and 2 for the State of Oregon.

2. That the present members of Board of Appeal No. 2 for the State of Oregon are hereby transferred to Board of Appeal No. 1 for the State of Oregon.

3. That the membership of Board of Appeal No. 1 shall hereafter consist of two groups as shown on Exhibit A filed herewith.

LEWIS B. HERSHEY,
Director.

JULY 9, 1946.

EXHIBIT A—MEMBERSHIP FOR BOARD OF APPEAL No. 1, STATE OF OREGON

Group No. 1

Allen, Niel
Bernards, Herman
Miller, R. B.
Boehringer, F. J. A.
Johnson, William T.

Group No. 2

Grant, A. S.
Stewart, Wayne C.
Carson, Tom J.
Kiddle, Fred E.
Bartlett, C. J.

[F. R. Doc. 46-11959; Filed, July 10, 1946;
10:50 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 5]

PART 8305—SURPLUS NONINDUSTRIAL REAL PROPERTY

Surplus Property Administration Revised Regulation 5, March 6, 1946, entitled "Surplus Nonindustrial Real Property", as amended to June 21, 1946 (11 F.R. 2644, 3301, 4096, 7133), is hereby revised and amended as herein set forth as War Assets Administration Regulation 5. New matter is indicated by under-scoring. Orders 1 through 6 and 8 through 14 under this part (10 F.R. 12070, 12735, 12961, 14072, 14399, 15269; 11 F.R. 182, 609, 746, 1357, 1527, 1528, 2380) shall remain in full force and effect.

- Sec.
- 8305.2 Definitions.
 - 8305.3 Scope.
 - 8305.4 Declarations.
 - 8305.5 Communications after notice of transmittal.
 - 8305.6 Withdrawals.
 - 8305.7 Disposal of leasehold interests and improvements by owning agency.
 - 8305.8 Permit or order use.
 - 8305.9 Easements having no commercial value.
 - 8305.10 Duties of owning and disposal agencies.
 - 8305.11 Priorities.
 - 8305.12 Disposal methods and principles.
 - 8305.13 Records and reports.
 - 8305.14 Regulations by agencies to be reported to the Administrator.
- Exhibit A—Notice of sale.
Exhibit B—Government agencies to be given notice of impending disposal by mail.

AUTHORITY: §§ 8305.2 to 8305.14, inclusive, issued under the Surplus Property Act of 1944 (58 Stat. 765; 50 U.S.C. App. Sup. 1611), Pub. Law 181, 79th Cong., 1st Sess. (59 Stat. 533), E.O. 9689 (11 F.R. 1265), and Pub. Law 375, 79th Cong., 2d Sess.

§ 8305.2 Definitions—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

	Page
AGRICULTURE DEPARTMENT:	
Milk handling, hearings on proposed amendments:	
Columbus, Ohio, area	7619
Dayton-Springfield, Ohio, area	7620
ALIEN PROPERTY CUSTODIAN:	
Vesting orders, etc.:	
Ficken, Diedrich	7643
Ford Werke A. G.	7644
Hirai, Mrs. Masa	7644
I. G. Farbenindustrie A. G. et al	7643
Karl, Auguste	7643
Kawasaki, Rihei, or Hana Kawasaki	7645
Masutani, Hideo	7645
Miho, Mikitaro	7645
Nagai, Sukisaburo	7646
Nakashima, Kasumi, or Yayoi Nakashima	7646
Nord-Deutsche Versicherungs-Gesellschaft	7647
Okuyama, Takato	7647
Pietzsch, Irene	7647
Pietzsch, Kurt	7648
Pollard, Elinor Emery	7642
Rechten, Henry, or Frieda Rechten	7648
CIVIL AERONAUTICS BOARD:	
Accident at Chicago, Ill.; investigation	7620
CIVILIAN PRODUCTION ADMINISTRATION:	
Interstate Commerce Commission rate conference (Cert. 44, Am.)	7621
CUSTOMS BUREAU:	
French Equatorial Africa and Cameroons, (French Mandate); addition to "No consul" list	7619
FEDERAL POWER COMMISSION:	
Bonneville Project, Columbia River, Oregon-Washington; hearing	7621
FISH AND WILDLIFE SERVICE:	
Necedah National Wildlife Refuge, Wisconsin; fishing	7619
INTERSTATE COMMERCE COMMISSION:	
Double saddle-mount in drive-away operations; petition for amendment of motor carrier safety regulations	7622



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

NOW AVAILABLE

Code of Federal Regulations 1945 Supplement

Book 1: Titles 1 through 9, including, in Title 3, Presidential documents in full text with appropriate reference tables.

Book 2: Titles 10 through 14.

These books may be obtained from the Superintendent of Documents, Government Printing Office, at \$3 each.

A limited sales stock of the 1944 Supplement (3 books) is still available at \$3 a book.

CONTENTS—Continued

INTERSTATE COMMERCE COMMISSION—Continued.	Page
Lumber at Los Angeles, Calif., unloading.....	7621
OFFICE OF PRICE ADMINISTRATION: Adjustments and pricing orders: Adapti Co. et al (2 documents).....	7626, 7635
Brown's Creamery Co.....	7634
Clizbe Bros. Mfg. Co.....	7631
Criss and Shaver, Inc., et al.....	7630
Detroit Pure Milk Co.....	7635
Ewing Foundry Co. et al.....	7627
Goshen Brick & Clay Corp. et al.....	7628
Heller-Aller Co. et al.....	7630
Indiana Lock-Joint Concrete Pipe Co. et al.....	7629
Mengel Co. et al.....	7627
Sweitzer Creamery Co.....	7626
Wayne Creamery.....	7634
Wilson, Ira, and Sons Dairy Co.....	7635

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Regional and district office orders. See also Adjustments.	
Building materials:	
Bexar County, Tex.....	7623
Jefferson County, Ark.....	7633
Painesville, Ohio, area.....	7627
Community ceiling prices, list of orders filed.....	7624
Concrete, etc.:	
Indianapolis, Ind., area (2 documents).....	7628, 7632
Louisville, Ky., area.....	7622
Fuels, solid, Cleveland region.....	7631
Millwork, stock:	
Athens, Ohio, area.....	7626
Cincinnati, Ohio, area.....	7626
Columbus, Ohio, area.....	7636
Newark-Zanesville, Ohio, area.....	7636
Portsmouth, Ohio, area.....	7636
Troy, Ohio, area.....	7636
Wilmington, Ohio, area.....	7636
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
American Power & Light Co.....	7637
Commonwealth & Southern Corp. et al.....	7638
Florida Power Corp. and Republic Pictures Corp.....	7641
National Aviation Corp.....	7637
North American Light & Power Co. et al.....	7642
Ohio Edison Co.....	7637
Portland Gas & Coke Co.....	7638
SELECTIVE SERVICE SYSTEM:	
Oregon, establishment of board of appeal area.....	7611
WAR ASSETS ADMINISTRATION:	
Contractor inventory and disposals by owning agencies; forms for reporting.....	7619
Minerals, metals, and materials, strategic; stock piling.....	7618
Real property, surplus nonindustrial.....	7611

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

TITLE 32—NATIONAL DEFENSE:	Page
Chapter XXIII—War Assets Administration:	
Part 8305—Surplus nonindustrial real property.....	7611
Part 8309—Contractor inventory and disposals by owning agencies.....	7619
Part 8317—Stock piling of strategic minerals, metals, and materials.....	7618
TITLE 50—WILDLIFE:	
Chapter I—Fish and Wildlife Service:	
Part 26—East central region national wildlife refuges.....	7619

(b) *Other terms.* (1) "Administrator" means the War Assets Administrator. (2) "Continental United States" means the 48 States and the District of Columbia.

(3) "Former owner" means the person from whom the real property was acquired by the Government.

(4) "Nonprofit institution" means any nonprofit scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, organization, or association, or any nonprofit hospital or similar institution, organization, or association, which has been held exempt from taxation under section 101 (6) of the Internal Revenue Code, or any nonprofit volunteer fire company or cooperative hospital or similar institution which has been held exempt from taxation under section 101 (8) of the Internal Revenue Code.

(5) "Educational institution" means any school, school system, library, college, university, or other similar institution, organization, or association, which is organized for the primary purpose of carrying on instruction or research in the public interest, and which is a nonprofit institution.

(6) "Public-health institution" means any hospital, board, agency, institution, organization, or association, which is organized for the primary purpose of carrying on medical, public-health, or sanitational services in the public interest, or research to extend the knowledge in these fields, and which is a nonprofit institution.

(7) "Offer" means a written offer to purchase surplus real property or a written application by a Government agency or a State or local government requesting that such property be held for disposal to it.

(8) "Owner-operator" means a person who will personally operate and cultivate agricultural land to earn a livelihood rather than lease it to a tenant.

(9) "Priority" means the right of a person, subject to stated conditions and limitations, to purchase surplus real property to the exclusion of other persons.

(10) "Real property" means any interest, owned by the United States or any Government agency, in land, together with any fixtures or improvements thereon, of any kind, wherever located, but does not include the public domain, or such lands withdrawn or reserved from the public domain as the Administrator determines are suitable for return to the public domain for disposition under the general land laws. It is not limited to the definition thereof as contained in section 23 of the act.

(11) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon, located outside of the District of Columbia, but does not include war housing, industrial plants, factories, or similar structures and facilities, or the sites thereof, or land which the Administrator determines is essential to the use of any of the foregoing. "Similar structures and facilities" as used above shall include structures and facilities classified by the Administrator as (i) commercial, (ii) roads and local transportation, (iii) airport, (iv) railroad, transportation, and pipeline, (v) utility and communications, and (vi) institutional where there are improvements

which render the property suitable for disposition and use for health or educational purposes.

(12) "State or local government" means any State, territory or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(13) "Veteran" means any person in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. Veterans "released" from military or naval service shall include persons on terminal leave or final furlough and those whose status has been changed from "active" to "inactive".

(14) "War housing" means real properties improved with housing structures, acquired or constructed by the Government subsequent to September 8, 1939, either (i) for the purpose of housing servicemen, war workers, and their families, or (ii) by the use of funds earmarked or appropriated for the housing of persons engaged in national defense activities, and their families.

§ 8305.3 *Scope.* This part applies to surplus real property located within the continental United States, its territories and possessions, and to any personal property appurtenant thereto or severed therefrom, or assigned for disposal in connection therewith; but does not include industrial, transportation, or marine industrial real property, or airport property. With the exceptions above stated, it applies to real property of all kinds and classes, owned in fee simple or held under lease; to other interests in real property of whatever nature; and to surplus equipment and supplies thereon or therein which the Administrator or the owning agency determines are essential to the contemplated operation and use of the property.

§ 8305.4 *Declarations.* Declarations of surplus nonindustrial real property (whether or not section 23 real property) shall be filed with the Administrator as provided in Part 8301.¹ Where there are attached to or contained in any such real property surplus equipment and supplies which the Administrator or the owning agency determines are essential to the contemplated operation and use of the facility, the installation shall be held intact by the owning agency and the real property and personalty shall be declared surplus as a unit. The Administrator will transmit to the appropriate disposal agencies declarations filed pursuant to this section and will notify the owning agencies thereof.

§ 8305.5 *Communications after notice of transmittal.* After the owning agency receives notice of the transmittal to a disposal agency of a declaration of surplus real property, communications of the owning agency with respect to such property shall be addressed to the disposal agency, except where communica-

tion with the Administrator is required hereunder.

§ 8305.6 *Withdrawals.* If the owning agency wishes to withdraw surplus real property, WAA Form 1005² (formerly Form SPA-5) shall be filed with the Administrator. If the property has been assigned to a disposal agency, a complete justification shall be submitted, and the Administrator may obtain the recommendation of the disposal agency as to the requested withdrawal. The owning agency and, where appropriate, the disposal agency shall be notified of the Administrator's decision.

§ 8305.7 *Disposal of leasehold interests and improvements by owning agency—(a) Leaseholds.* A Government agency owning a leasehold interest or similar right of occupancy which is no longer needed by such agency but which is needed by another Government agency shall, unless prohibited by the terms of the lease or other instrument under which the interest was acquired, transfer such interest directly to such other agency without declaring it surplus. Any such transfer shall be at the market value, unless transfers without reimbursement are authorized by law, and may be conditioned upon the transferee agency assuming all or any obligations incurred by the transferor agency in connection with the interest transferred. The owning agency shall take reasonable steps to ascertain the needs of Government agencies for such interests, and to this end may utilize the facilities of the Public Buildings Administration of the Federal Works Agency.

If such leasehold or other interest is not claimed by any Government agency within a reasonable time and such leasehold or other interest does not include a purchase option in favor of the Government such lease or other interest may be cancelled by the owning agency without declaring it surplus if the owning agency has the legal right to cancel. If the Government has an option to purchase the property the leasehold or other interest, together with the improvements thereon, shall be declared surplus.

(b) *Improvements.* Subject to the provisions of § 8305.7 (a) where an owning agency no longer needs improvements located on Government-owned land which has not been declared surplus, or on non-Government-owned land leased or occupied by such agency with or without an obligation to restore the premises, such owning agency may dispose of such improvements by any one or more of the following methods:

(1) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises, provided the lessor or owner shall pay for any excess value;

(2) By disposition in accordance with contractual commitments;

(3) By sale intact;

(4) By demolition contract let only on competitive bid, whereby title to the improvements passes to the contractor in consideration of his demolition of the improvements or restoration of the premises.

Such disposals shall be for a consideration that is fair and reasonable under all the circumstances. Unless otherwise authorized by the Administrator, an estimate shall be made prior to disposal of both the current market value of the improvements in place and their salvage value.

§ 8305.8 *Permit or order use.* When a Government agency utilizing Government-owned real property under some form of arrangement with another Government agency having primary jurisdiction over the property no longer needs the property, such real property and any interest therein shall be returned to the agency having primary jurisdiction over the property in accordance with the arrangement between such agencies, except where the property has been substantially improved while being so utilized. In this latter event the agency utilizing the property shall make a report of the facts to the Administrator for his determination as to how the interests of the Government will be best subserved.

§ 8305.9 *Easements having no commercial value.* Any Government agency may, with or without consideration, dispose of an easement to the owner of the land subject to the easement when such agency shall determine that the easement has no commercial value and is no longer needed: *Provided*, That, when any such easement shall have been acquired for a substantial consideration such disposal shall be made only for a reasonable value, taking into consideration any portion of the purchase price paid for severance damages.

§ 8305.10 *Duties of owning and disposal agencies—(a) General.* Upon receipt by a disposal agency of a declaration, it shall undertake immediately to dispose of the property covered by the declaration in accordance with the requirements of the act and of this part.

(b) *Care and handling.* When any surplus real property is assigned to a disposal agency or to an appropriate regional office of the War Assets Administration, the disposal agency or the regional office, as the case may be, shall, upon receipt of a declaration of surplus real property, immediately contact the owning agency to work out mutually satisfactory arrangements for the assumption of the care and handling of the property covered by such declaration. Where the declaration is assigned to the regional office such assignment shall be deemed to be the assignment to the disposal agency, and notice thereof, as in other assignments, shall be given to the owning agency. The assumption of care and handling of the property shall be completed within sixty (60) days after the assignment to a disposal agency or to the regional office, or within such additional time as may be granted by the Administrator, except in those cases (1) where the surplus nonindustrial real property is included in a declaration covering an airport, in which event assumption shall be in accordance with § 8316.14 (a) (1)³; or (2) where the surplus nonindustrial real property is covered by a declaration which includes surplus in-

¹ SPA Reg. 1 (10 F.R. 14064; 11 F.R. 2602, 3035, 5359).

² Reg. 1, Order 3 (11 F.R. 6774).

³ Reg. 16 (11 F.R. 7427).

dustrial real property or transportation property, in which event assumption shall be in accordance with § 8310.4 (b) (1).⁴

Pending the assumption of custody and control of the property by the disposal agency, the owning agency may lease it or grant a permit to place it in productive use, *Provided*, That such lease or permit shall be revocable at the will of the Government agency having jurisdiction. If arrangements are not made by lease or use permit for the care and maintenance of the property pending assumption of custody by the disposal agency, the owning agency shall take necessary steps to insure its reasonable preservation and safety.

(c) *Improvements.* Disposal agencies shall make repairs necessary for the preservation and maintenance of the property, but no funds shall be expended by disposal agencies for improvement of real property declared to them as surplus or for the erection of structures thereon unless such expenditures are authorized by the Administrator.

(d) *Transfer of title papers, documents, etc.* Upon request of the disposal agency, the owning agency shall immediately supply the disposal agency with the originals or true copies of all information and documents pertaining to the surplus real property in the possession of the owning agency and copies of which have not been filed with the declaration. These shall include appraisal reports, abstracts of titles, tax receipts, deeds, affidavits of title, copies of judgment in condemnation proceedings and all other title papers relating to the property. All such papers and documents which may still be needed by the owning agency shall be returned to it as soon as the needs of the disposal agency have been satisfied. The disposal agency may transfer to the purchaser of surplus real property, as a part of the disposal transaction, any abstract of title which relates to the property being transferred and which is no longer needed either by the owning or the disposal agency. The terms upon which such transfer shall be made may be fixed by the disposal agency.

§ 8305.11 *Priorities*—(a) *Order of priority.* In disposing of surplus real property, disposal agencies shall recognize the following priorities:

(1) Government agencies shall be accorded first priority to acquire all classes of surplus real property for their own use. Reconstruction Finance Corporation, successor to Smaller War Plants Corporation, shall have a second priority to acquire any such surplus property for resale, as provided in section 18 (e) of the Surplus Property Act of 1944.

Such purchases shall be made by the Reconstruction Finance Corporation in its own name, and payment therefor shall be made by the corporation. Each purchase order by the corporation for resale purposes shall be based upon a written finding that the resale is required to preserve and strengthen the competitive

position of small business, or will assist the corporation in the discharge of the duties and responsibilities imposed upon it as successor to Smaller War Plants Corporation.

(2) State or local governments shall be accorded third priority as to all classes of surplus real property. Any State or local government which has lost a highway or street over surplus section 23 real property because of Government acquisition or action shall be accorded a special priority, prior to all other State or local governments, to permit it to re-establish such highway or street. This right shall extend to the original right-of-way and any new or additional rights-of-way needed to re-establish the street or highway on a new or more adequate location.

(3) A former owner shall be accorded fourth priority as to any surplus section 23 real property acquired from him by any Government agency after December 31, 1939. This priority shall relate to property which is substantially the identical tract acquired by the Government from the owner. If this tract is not available to the former owner or is not desired by him because it is no longer suitable for the purpose for which it was used when acquired by the Government, he may be offered substitute property. Such substitute property shall be in the same area, be classified as suitable for the use for which the original tract was used when acquired and otherwise be similar to the original tract. With respect to any substitute property thus made available to him the former owner shall be accorded a priority subordinate only to the priorities of Government agencies, State or local governments, a former owner or a tenant of a former owner of the substitute property. Acquisition of a substitute tract shall extinguish the priority of the former owner with respect to the original tract. Where only a portion of an original tract acquired from a former owner is declared surplus and the circumstances indicate that the remainder of such former owner's original tract will be declared surplus within a reasonable time, the disposal agency, without affecting the priorities of Government agencies or State and local governments, may grant the former owner a priority to the portion first declared surplus and extend the same to a date ninety (90) days from the date notice is forwarded to the former owner of the availability of the entire original or substantially identical tract acquired from him.

(4) A tenant of a former owner, who was in possession of agricultural section 23 real property at the time the same was acquired by any Government agency after December 31, 1939, shall be accorded fifth priority with respect to substantially the same property occupied by him as tenant at the time of such acquisition.

(5) A veteran, and the spouse and children (in that order) of a person who died while in the active military or naval service of the United States on or after September 16, 1940, shall be accorded a priority as to all surplus section 23 real property classified by the

Administrator as suitable for agricultural, residential or small business purposes. This priority shall be subordinate to all the priorities described in subparagraphs (1) through (4) of this paragraph.

(6) Owner-operators shall be accorded a priority with respect to all surplus section 23 real property classified by the Administrator as suitable for agricultural use. This priority shall be subordinate to the priorities described in subparagraphs (1) through (5) of this paragraph.

(7) Nonprofit institutions shall be accorded a priority with respect to all surplus real property. This priority shall be subordinate to the priorities described in subparagraphs (1) through (6) of this paragraph.

(b) *Extent of priorities.* The priorities of Government agencies, State or local governments and nonprofit institutions are continuing priorities which are not exhausted because of their effective exercise with respect to a given piece of property. The priority of a veteran, the spouse and children of a deceased serviceman, or an owner-operator ceases to exist after it has once been effectively exercised with respect to one appropriate unit. The priority of a former owner or tenant is limited to the particular property as described in paragraph (a) (3) and (4) of this section.

(c) *Transfer of priorities and transmission on death.* No assignment or transfer of a priority shall be recognized, but the priority of a former owner may be exercised through an agent duly authorized in writing where the priority holder is so situated that he cannot exercise it in person. Upon the death of a veteran or former owner his spouse or children (in that order) shall succeed to his priority rights. The priority right of a tenant shall be extinguished by his death.

(d) *Time and method of exercise.* Government agencies, the Reconstruction Finance Corporation for resale to small business under section 18 (e) of the act, and State or local governments shall have a period of ten (10) days in which to exercise their respective priorities after the date notice of availability is first published, where publication is required under the provisions of § 8305.12 (c) (2). Where a Government agency, including Reconstruction Finance Corporation for resale to small business, has requested a transfer of the property and publication is not required under the provisions of § 8305.12 (c) (2), such Government agency shall exercise its priority within ten (10) days from the date on which a notice of availability was mailed to it, as provided in § 8305.12 (c) (3). Nonprofit institutions shall have a period of ten (10) days after notice of availability is first published in which to exercise their priority with respect to other than section 23 real property. The time for the exercise of all other priorities shall be ninety (90) days after the date notice of availability is first published, or

⁴ Reg. 10 (issued June 29, 1946).

such additional period as the Administrator may allow when necessary or appropriate to facilitate a sale of the property to a former owner entitled to priority; *Provided, however, That the property may be disposed of prior to the expiration of such periods pursuant to the provisions of § 8305.12 (e).* Within the established priority period, the priority holder shall indicate an intention to exercise his priority by submitting to the disposal agency a written offer to purchase, accompanied by such deposit as the disposal agency may require. When, however, an offer cannot be made because the disposal agency lacks necessary information on price, units or other matters, it shall be sufficient if the priority holder files a written statement of his desire to acquire the property or one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those who have filed such statements shall be so advised and given an opportunity to make an offer. Veterans, the spouse and children of deceased servicemen, and owner-operators may offer to purchase any or all units offered for sale. The offer of a Government agency or of a State or local government shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price that applicant is willing to pay for the property or that a transfer without reimbursement or transfer of funds is authorized by law, and give all pertinent facts pertaining to the applicant's need for the property. If the applicant shall require time to acquire funds or authority to take the property without reimbursement or transfer of funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of an application with such a statement the disposal agency shall forward a copy of the same to the Administrator. The Administrator will review the application and determine what time (if any) shall be allowed applicant to conclude the acquisition of the property and will advise the disposal agency and the applicant of such determination. During the time thus allowed the property may not be disposed of unless the priority period has expired and applicant's price (where it is seeking to acquire the property on a reimbursable basis) is less than the maximum price it may be charged and a higher price has been offered by another person.

(e) *Failure to offer full amount or to exercise in time.* Priorities of Government agencies and State or local governments shall not expire because they are not exercised within the priority period, but an offer by such a priority holder made after the expiration of the priority period shall be disregarded if a contract to sell the property to another has previously been entered into. Priorities of all others not exercised during the priority period shall expire upon the termination of such period and the disposal agency shall certify that it has complied with the requirements of § 8305.12 (c) (2) and (3) and, if such is

the case, that no person has attempted during the priority period to exercise the priority of a former owner, a tenant, a veteran or the spouse and children of a deceased serviceman. A certified copy of such certification shall be given to any purchaser of the property at the time of transfer. The disposal agency may in its discretion permit veterans, or the spouse and children of deceased servicemen, or owner-operators to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period, but such action on the part of a disposal agency shall not be regarded as extending the priority period. In order to exercise his priority, a priority offeror shall bid the maximum price which he may be charged. If his bid is less than his maximum price, such bid shall be treated as a nonpriority offer.

§ 8305.12 *Disposal methods and principles—(a) Descriptions, surveys and subdivisions.* The disposal agency shall obtain the full and correct legal description of the property to be disposed of and take the steps necessary to determine its exact location and area. Surveys shall be made, when necessary, and markers or monuments placed upon the ground. For disposal to others than Government agencies, State or local governments, former owners or tenants, surplus section 23 real property shall be subdivided by the disposal agency into appropriate units for disposal. Section 23 real property classified as suitable for agricultural use shall be subdivided by the disposal agency into economic family-size units wherever practicable. The size of such units may vary according to the conditions and farming practices in the locality where the land is situated. Section 23 real property not classified as suitable for agricultural use shall be subdivided into such units as seem suitable in view of the character of the property, the use or uses to which it may be put and the possibilities of giving veterans and those who will use the property personally a fair opportunity to acquire and advantageously utilize the property. Plans for such subdividing shall be developed immediately after the disposal agency receives the declaration of surplus. The actual work of subdividing shall be carried forward as rapidly as practicable in view of all the circumstances, with effort made to complete the task at the earliest possible date after the expiration of the priority period. Subdivision may be delayed if it appears that the property will be absorbed by the priorities of Government agencies, State or local governments, former owners or tenants.

(b) *Evaluation and appraisal.* When property is to be transferred to a Government agency without reimbursement, it will not be necessary to establish the fair value or current market value of the property. When such transfer is to be made with reimbursement, an estimate shall be made of its fair value. In all other cases, an estimate shall be made of its current market value. The term "fair value" means the maximum price

which a well-informed buyer, acting intelligently and voluntarily, would be warranted in paying if he were acquiring the property for long-term investment or for continued use with the intention of devoting it to the best or most productive type of use for which the property is suitable or capable of being adapted. The term "current market value" means the highest price the property will bring in terms of money if offered for sale in the open market with reasonable time to find a purchaser buying with knowledge of the uses and purposes to which it is adapted and for which it is capable of being used. To determine such values, the disposal agency shall have the property appraised by experienced and qualified appraisers familiar with the types of property to be appraised by them. They may be staff appraisers of the disposal agency, individuals employed on a loan reimbursable basis from other Federal agencies or independent appraisers in private business. All appraisal reports shall contain the appraiser's certificate that he has no interest, direct or indirect, in the property or sale or disposition thereof.

(c) *Notice and advertisement—(1) Wide publicity.* The disposal agency shall avail itself of all suitable means to give wide publicity to the availability for disposal of surplus real property.

(2) *Publication of notice.* Except where a transfer is requested by a Government agency, including the Reconstruction Finance Corporation for resale to small business, the disposal agency, upon receipt of a declaration of surplus real property, shall promptly and widely publicize the property, giving information adequate to inform interested persons of the general nature of the property and its possible uses. Such publicity shall be by public advertising, and also may include press releases, display advertisements, and any other appropriate means which it is customary to use for advertising notices of sale. Public advertising shall consist of a sale notice containing substantially the matters set forth in Exhibit A of this part. With respect to other than section 23 real property, including structures to be disposed of separate from land, such notice shall be published one or more times during the ten (10) days following the date of the first publication. With respect to section 23 real property, exclusive of structures to be disposed of separate from land, such notice shall be published at least three (3) times during the ninety (90) days following the date such notice is first published, at approximate intervals of twenty-one (21) days, unless a Government agency or State or local government exercises its priority to acquire the property within the prescribed

ten-day period of priority for such claimants.

(3) *Notice by mail.* Where a transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, its need being recognized as paramount, no notice to other Government agencies is required. In all other cases where a transfer is requested by a Government agency, including the Reconstruction Finance Corporation for resale to small business, the disposal agency shall send a notice of availability by mail to all Government agencies listed in Exhibit B of this part. At the time of the first publication of the notice required by subparagraph (2) of this paragraph, the disposal agency shall send a copy of such notice by mail to all Government agencies listed in Exhibit B hereof to the State and the political subdivisions in which the property is located, and to the former owner when he is entitled to priority. The notice to the former owner shall be sent by registered mail to his last known address with return receipt requested.

(4) *Additional notice.* A disposal agency which has decided to accept offers after the priority period from veterans and the spouse and children of deceased servicemen and owner-operators who have not exercised their priority during such period, may give such additional notice to such persons as the disposal agency shall deem proper.

(d) *Information available to purchasers.* Every effort shall be made to have available in the office of the officer having charge of the disposal, as soon as possible after notice of availability is first published, all necessary information concerning the property. This shall include the appraised value of the property, the unit sizes in which the property will be sold to various classes of purchasers, the priorities and the time and method of exercising them, the maximum prices which may be charged different priority buyers (see paragraph (h) of this section) and all other terms and conditions of sale. Any person shall be entitled, upon request, to receive such information or have access thereto at all reasonable times, as well as information concerning offers, exercises of priorities and sales that have been made at the time of the inquiry.

(e) *Offers and procedure thereon.* During the prescribed priority periods, the disposal agency shall receive offers from priority and nonpriority buyers. No offers shall be accepted, however, until the expiration of the priority period, except in the following cases:

(1) Where an immediate transfer is requested by one of the armed forces for national defense purposes prior to the conclusion of peace, or

(2) Where a Government agency or State or local government exercises its

priority to acquire surplus section 23 real property within the prescribed ten-day period.

(f) *Disposal provisions.*—(1) *Terms and conditions of disposal.* Disposals generally shall be of the entire interest of the Government and for cash; but shall be made upon such terms and conditions as the disposal agency may deem necessary to protect the interests of the Government and carry out the requirements of this part.

(2) *Granting of easements.* A disposal agency may grant easements in or over real property. *Provided:* That the prior approval of the Administrator shall have been obtained where such easements affect the value of the property and, in such cases, the granting of the easements shall be for a consideration that is fair and reasonable, or without compensation when authorized by law.

(3) *Leases or occupancy permits.* The disposal agency may lease or grant a permit on surplus property to place it in productive use pending disposition. *Provided:* That such lease shall be revocable at the will of such disposal agency; and may also, with the approval of the Administrator, grant irrevocable leases where such action would be in the best interest of the Government and meet the objectives of the act.

(4) *Renewal of leases and purchase of outstanding interests.* The disposal agency may renew any lease in which the Government is lessee relating to surplus nonindustrial real property and shall assume and carry out any valid obligation which may have been entered into by the owning agency. The disposal agency as such shall not by exercise of any option or otherwise purchase nonindustrial real property for resale or lease without the prior written approval of the Administrator.

(5) *Fissionable materials.* (i) (a) In all disposals of lands hereafter made under the authority and provisions of the Surplus Property Act of 1944; (b) In all leases, permits, or other authorizations of whatever kind, hereafter granted to remove minerals from such lands; and (c) In all leases, permits or other authorizations which otherwise would preclude the United States from exercising its right to enter upon such lands and prospect for, mine, and remove minerals, there shall be reserved to the United States all fissionable materials in the lands, together with the right, at any and all times, to enter upon the lands and prospect for, mine, and remove such materials; *Provided:* That no such reservation shall interfere with the primary use of the land established or indicated by any act of Congress; *And provided further:* That no such reservation shall be required whenever the Secretary of the Interior shall determine that the land affected does not contain substantial deposits of fissionable materials, or that, in view of all the circumstances, there is no reasonable probability that such materials are present in quantities sufficient to justify their extraction.

(ii) The term "fissionable materials" as used herein means (a) all deposits

from which the substances known as thorium, uranium (including uranium enriched as to one of its isotopes), and elements higher than uranium in the periodic table, can be refined or produced, and (b) all deposits from which there can be refined or produced other substances determined by the President by Executive order to be readily capable of or peculiarly related to transmutation of atomic species, the production of nuclear fission, or the release of atomic energy. (Executive Order 9701, dated March 4, 1946, 11 F.R. 2369)

(iii) Unless the lands are within the exceptions above provided, all notices of sale or availability given or published by the disposal agencies shall disclose that the lands involved will be disposed of or sold subject to the reservation of the mineral rights referred to in the foregoing subdivisions of this subparagraph.

(6) *Water rights.* Water rights in connection with real property subject to irrigation shall ordinarily be disposed of with the real property to which they relate, whether such rights are evidenced by stock certificates in irrigation projects or otherwise, and shall be disposed of subject to the provisions of this part.

In order to meet the objectives of the act to discourage disposals for speculative purposes, it shall be the policy of the Administrator to dispose of such rights to the owners of the real property who may be entitled to the benefits thereof, rather than to persons who are not owners, and in quantities proportionate to the amount of property owned by such persons.

Former owners shall be entitled to a priority for any such rights acquired from them in connection with real property which they sold to the Government where such former owners are entitled to and claim priority as to such property.

Except as to former owners who are governed by the provisions of § 8305.12 (h) (2) as to price, the price to be charged for such water rights shall be the fair value thereof.

(g) *Form of transfer.* Deeds or instruments of transfer (other than leases) shall be in the form approved by the Attorney General. Transfers shall be by quitclaim deed unless the disposal agency finds that a warranty deed is necessary to obtain a reasonable price for the property or to render the title marketable and the use of such a deed is recommended and approved by the Attorney General as provided in the act.

(h) *Prices; donations.*—(1) *General requirements.* The purchasers mentioned in subparagraphs (2), (3), (4) and (5) of this paragraph shall in no event be charged more than the prices at which they are entitled to purchase under the provisions of such subparagraphs. On sales or disposals to all others it shall be the duty of the disposal agency to obtain the highest competitive price actually obtainable. No sale or disposal shall be made at a price which is more than twenty-five (25) per centum below the current market value until such sale or disposal has been reviewed and approved by the Administrator, unless that price is the maximum price which may be charged the purchaser.

(2) *Former owner and tenant.* Persons purchasing surplus real property pursuant to the priority of a former owner or tenant of a former owner shall be entitled to purchase at the lower of (i) the current market value or (ii) the price for which the property was acquired by the Government adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States.

(3) *Government agencies, State or local governments, nonprofit institutions and owner-operators.* Government agencies shall be entitled to acquire surplus real property at a price equal to the fair value. State or local governments, nonprofit institutions, and owner-operators shall be entitled to acquire surplus real property at a price equal to the current market value. State or local governments purchasing rights-of-way for highways and streets, pursuant to the priority provided for in § 8305.11 (a) (2) shall be entitled to purchase the same at a rate of compensation not exceeding that paid for it by the Government. Government agencies shall be entitled to acquire property without charge where a transfer without reimbursement or transfer of funds is authorized by law. The disposal agency shall make such transfers of real property to Government agencies without reimbursement or transfer of funds whenever a transfer on such terms by the owning agency by which such property was declared surplus would be authorized by law to be made to the agency desiring such property.

(4) *Veterans.* Veterans and the spouse and children of deceased servicemen shall be entitled to purchase surplus real property at a price fixed by the disposal agency after taking into consideration the current market value, the character of the property, and, if income-producing, the estimated earning capacity thereof.

(5) *Disposals for educational or health purposes.* State or local governments or educational or public-health institutions seeking to acquire surplus real property for educational use or to promote and protect the public health may, with the approval of the Administrator, acquire such property at the current market value less any discount allowed because of the benefit which has accrued or may accrue to the United States by such use; *Provided,* That no such discounts may be allowed to any nonprofit institutions which are not exempt from taxation under section 101 (6) of the Internal Revenue Code. Applications for such discounts shall be filed with the Administrator and shall indicate with reasonable completeness the nature of the contemplated use of the property, the basis for claiming preferential treatment, a full description of the applicant, and the ways in which and the extent to which the United States will be benefited by the proposed use. Each such application shall be accompanied by a certificate by an authorized official of the buyer that the buyer is a State or local government or that it is a nonprofit institution as defined in § 8305.2 (b) (4) and that the property is being acquired

for educational or health purposes. The application also shall be accompanied by a statement from the disposal agency setting forth such information as the disposal agency is able to secure with respect to the applicant and the contemplated use by such applicant, and the disposal agency's estimate of the current market value of the property. After considering the application and any additional evidence deemed appropriate, including additional information required from the disposal agency or the applicant, the Administrator shall notify the disposal agency of his decision on the application, certifying the amount of the discount granted and directing the terms and conditions of the disposal, including provisions for the reversion of the property to the United States if the buyer ceases to use it for educational or health purposes.

(6) *Donations.* Surplus real property may be donated only to government agencies, State or local governments or nonprofit institutions organized and operated for educational or charitable purposes and only when the disposal agency finds that the property either (i) has no commercial value or (ii) that the cost of its care and handling and disposition would exceed the estimated proceeds.

Before making any donation, however, the disposal agency shall in all cases obtain the prior approval of the Administrator. To obtain such approval the disposal agency shall submit to the Administrator a copy of its findings, together with any supporting evidence and a full description of any donation that may be proposed.

(i) *Acceptance of offers.* Upon the expiration of the priority period designated in § 8305.11 (d) the disposal agency shall proceed with the acceptance of offers, except to the extent that delay is necessary to obtain offers from priority holders who filed statements of their desire to purchase during the priority period. Offers from priority holders at their respective maximum prices shall be accepted in the order of their priority. If there are several acceptable offers at the same price from offerors in the same priority group, the offer to be accepted from that group shall be selected as provided in paragraph (k) of this section. If offers have been received from persons having no priority and there is no acceptable offer from a person holding a priority, only the highest of such offers may be accepted by the disposal agency. If there are several acceptable nonpriority offers at the same price, the one to be accepted shall be selected by lot. Disposal agencies may reject any offer which is for a price below the current market value other than an offer from a priority holder for the maximum price which can be charged the offeror. When a veteran, the spouse and children of a deceased serviceman or an owner-operator shall have made offers for more than one unit, only one of the offers of such offeror shall be accepted.

(j) *Proof of priority status.* Before a disposal agency shall dispose of surplus real property on the basis of the priority claimed by the offeror, it shall require satisfactory proof of the priority status,

identity or authority of the person making the offer.

(k) *Selection of offers from among same priority group.* If equal offers are received for the same property during the priority period from two or more offerors of the same priority group, the offer which shall be accepted shall be selected in accordance with subparagraphs (1) and (2) of this paragraph.

(1) In the case of Government agencies, State or local governments or nonprofit institutions the selection shall be determined on the basis of need. If the matter cannot be determined by agreement between the claimants, the disposal agency shall report the matter in writing to the Administrator, setting forth the names of the competing claimants, a summary of their respective claims, a description of the property involved, and the recommendations, if any, of the disposal agency, together with any statements in writing which the claimants or any of them may wish to file with the Administrator. The Administrator shall review the matter and report his determination to the disposal agency. The Administrator's determination shall be final for all purposes.

(2) With respect to all other priority groups the selection shall be made by lot. Drawings shall be conducted openly and fairly. If a veteran, the spouse and children of a deceased serviceman or an owner-operator is selected for more than one unit, he shall elect in writing which one he shall take and thereupon the right to purchase the remaining unit or units of property shall go to the remaining applicants in the particular priority group in the order in which their names are drawn.

(l) *Notice to unsuccessful bidders; nonperformance by successful bidder.* When an offer for surplus real property has been accepted, the disposal agency shall notify the unsuccessful bidders of such acceptance and return their deposits to them. If performance of the contract of the successful bidder is not completed, or if a Government agency or State or local government fails to complete its acquisition of the property after having it held for the time allowed by the Administrator, the disposal agency shall promptly notify by mail all those who made unsuccessful offers during the priority period or any time allowed thereafter that if they renew their offers within fifteen (15) days from the date of mailing of the notice they will be reconsidered on the same basis on which they would have been considered had the offer accepted not been received in the first instance.

(m) *Absence of acceptable offers; methods of sale.* If no acceptable offer is received during the priority period or none results from a statement filed during the priority period, or if no acceptable offer is renewed after the giving of notice under the circumstances provided for in paragraph (l) of this section, the disposal agency shall proceed to dispose of the property by negotiated sale, auction or other suitable method. Such disposals shall be subject to the price restrictions of paragraph (h) (1) of this section.

(n) *Disposal of leasehold interests and improvements by disposal agency*—(1) *Improvements; leaseholds.* Where real property held only under lease or other similar right of occupancy, with or without improvements thereon, is assigned to a disposal agency for disposition, such disposal agency, subject to the provisions of § 8305.12 (e) and with the approval of the Administrator, (i) may accept a proposal from a Government agency, the Reconstruction Finance Corporation for resale to small business, State or local government, or nonprofit institution, in that order of priority, to take over and assume the obligations of the lease, if legally permissible, and dispose of any structures or improvements located in or on the property by any one or more of the following methods:

(a) By disposition to the transferee or assignee for a consideration that is fair and reasonable under all the circumstances,

(b) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises, or upon release by the lessor or owner of a restoration obligation plus the payment of a consideration that is fair and reasonable under all the circumstances,

(c) By disposition in accordance with contractual commitments, or

(d) By transfer to the War Assets Administration for demolition, unless otherwise authorized by the Administrator; or

(ii) may cancel the lease, if legally permissible, and dispose of any structures or improvements, first, by either or both of the methods enumerated in (b) or (c) above; second, by disposition to a Government agency, the Reconstruction Finance Corporation for resale to small business, State or local government, or nonprofit institution, in that order of priority; or third, by transfer to the War Assets Administration for demolition, unless otherwise authorized by the Administrator.

(2) *Improvements; Government-owned land.* In the case of Government-owned land, the disposal agency may dispose of structures and improvements with the land or intact and separate from the land. If sold with the land, the priorities applicable to the land would apply. If sold intact separate from the land, priorities would be recognized for Government agencies, the Reconstruction Finance Corporation for resale to small business, State or local governments, and nonprofit institutions, in that order and subject to the provisions of § 8305.12 (c) (2) and (3). If such struc-

tures and improvements are not to be so disposed of, the disposal agency shall forward a declaration of surplus covering such structures and improvements to War Assets Administration for demolition, unless otherwise authorized by the Administrator.

(c) *Disposal of personalty.* Where equipment and supplies are assigned for disposition in conjunction with real property, they may be disposed of with the real property, and any discount applicable to the real property shall apply also to the equipment and supplies. The disposal agency shall hold the real property and personalty intact until such time as the disposal agency determines that the retention of the personalty will not facilitate the disposition of the real property. *Provided*, That in no event shall the personal property be separated from the real property until such time as such property has been offered for disposition intact and the period for the submission of bids has expired. Upon such determination by the disposal agency, the declaration covering the personal property shall be forwarded to the agency designated in Part 8301 to dispose of such personalty, with notice to the Administrator, and the real property may be re-advertised for disposition without the personalty.

§ 8305.13 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part as to each disposal transaction. The information in such records shall be available at all reasonable times for public inspection. Reports shall be prepared and filed with the Administrator in such manner as may be specified by orders issued under this part, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8305.14 *Regulations by agencies to be reported to the Administrator.* Each owning agency and each disposal agency shall file with the Administrator copies of all regulations, orders and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective June 29, 1946.

E. B. GREGORY,
Administrator.

JUNE 29, 1946.

EXHIBIT A

INSTRUCTIONS: The matters set forth herein are required to be included in all notices. Other matters may be added, and the typography and headings may be varied, to the extent that the disposal agency deems it desirable. The priority period given in the notice should be modified to the extent necessary to allow for any extensions.

NOTICE OF SALE

Surplus Government Real Property

The _____ hereby gives
(name of disposal agency)
notice that it now has available for disposal, under the Surplus Property Act of 1944 and War Assets Administration Regulation 5, the following real property which has been declared surplus by the Government:

(Here give general description including improvements and location. Full legal description need not be included.)

Terms and conditions of sale and all necessary information concerning the property and the method of exercising priorities and submitting offers will be available on and after

(here give date not more than thirty (30) days after notice is first published)

at the office of _____
located at _____

Office hours are _____ to _____
Priorities. The property is subject to the following priorities in the order indicated:

(Here list priorities in their appropriate order.)

Priority period. The time for exercising priorities shall be _____

(here indicate)

commencing on _____
(specify date)

_____ on which notice is first published)

and ending on _____

Persons not having a priority may also make offers during this period.

(Signature of officer authorized
to conduct disposal)

EXHIBIT B

Government agencies to be given notice of impending disposal by mail:

Department of State.
Department of the Treasury.
Department of War.
Department of Justice.
Post Office Department.
Department of the Navy.
Department of the Interior.
Department of Agriculture.
Department of Commerce.
Reconstruction Finance Corporation.
Department of Labor.
Federal Communications Commission.
Federal Power Commission.
U. S. Maritime Commission.
National Housing Agency.
Tennessee Valley Authority.
Veterans' Administration.
Office of Scientific Research and Development.
Federal Works Agency.

The mail address of these agencies is Washington 25, D. C.

NOTE: Exhibit C deleted June 29, 1946.

[F. R. Doc. 46-11961; Filed, July 10, 1946;
10:54 a. m.]

[SPA Reg. 17, Amdt. 3]

PART 8317—STOCK PILING OF STRATEGIC MINERALS, METALS, AND MATERIALS

Surplus Property Administration Regulation 17, November 16, 1945, entitled "Stock Piling of Strategic Minerals, Metals, and Materials" as amended through March 30, 1946 (10 F.R. 14207, 15218; 11 F.R. 3483), is hereby further amended by changing the rescission date from July 1, 1946 to August 1, 1946.

This amendment shall become effective July 1, 1946.

E. B. GREGORY,
Administrator

JULY 1, 1946.

[F. R. Doc. 46-11960; Filed, July 10, 1946;
10:54 a. m.]

[Reg. 9, Order 2]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

FORMS FOR REPORTING CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES¹

Surplus Property Administration Regulation 9, Order 2, December 7, 1945, entitled "Forms for Reporting Contractor Inventory and Disposals by Owning Agencies," as amended through February 7, 1946 (10 F.R. 15007; 11 F.R. 1562), is hereby further revised and amended as herein set forth.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U.S.C. App. Sup. 1611), Public Law 181, 79th Congress, 1st Session (59 Stat. 533), Executive Order 9689 (11 F.R. 1265), and Public Law 375, 79th Congress, 2d Session, it is hereby ordered that:

1. *Contractor inventory.* All owning agencies are required to report contractor inventories and disposals thereof.

The owning agencies shall report monthly to the War Assets Administration inventories and disposals of contractor inventory in the continental United States on WAA Form 1013 (formerly SPB-13), "Contractor Inventory for Which Contractor Has Requested Disposition: Summary of Property Disposal Requests Received, Disposed of, and on Hand" as attached hereto; WAA Form 1014 (formerly SPB-14), "Contractor Inventory for Which Contractor Has Requested Disposition: Analysis of Disposals to or by Contractors in Possession," as attached hereto; and WAA Form 1015 (formerly SPB-15), "Contractor Inventory for Which Contractor Has Requested Disposition: Analysis of Disposals of Property Possessed by Owning Agency," as attached hereto, in accordance with the instructions accompanying these forms.

In addition to these monthly summary progress reports, the War Assets Administration may request, from time to time, detailed reports on segments of contractor inventory disposals, analyzing such disposals by contractor, commodity, location, and other characteristics.

2. *Reproduction of forms.* WAA Forms 1013, 1014, and 1015 may be reproduced by the owning agencies; *Provided*, That the sizes and formats are identical with those of such forms on file with the Division of the Federal Register, sample copies of which may be obtained from the War Assets Administration.

3. *Use of present forms.* Owning agencies may continue to use Forms SPB-13, SPB-14, and SPB-15 until the supplies of these forms are depleted.

NOTE: All reporting requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This revision of this order shall become effective July 3, 1946.

E. B. GREGORY,
Administrator.

JULY 3, 1946.

[F. R. Doc. 46-11972; Filed, July 10, 1946; 11:18 a. m.]

¹ SPA. Reg. 9 (10 F.R. 12961, 14966; 11 F.R. 3691).

² Forms filed with the Division of the Federal Register.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service,
Department of the InteriorSubchapter C—National Wildlife Refuges;
Individual RegulationsPART 26—EAST CENTRAL REGION NATIONAL
WILDLIFE REFUGESNECEDAH NATIONAL WILDLIFE REFUGE, WIS-
CONSIN; FISHING REGULATIONS

Under authority of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U. S. C. 715i), as amended, the following is ordered:

Supersedes § 26.678 approved September 13, 1944 (9 F.R. 11548).

§ 26.678 *Necedah National Wildlife Refuge, Wisconsin; fishing.* Fishing with hook and line only non-commercial, as defined by the State of Wisconsin laws, is permitted during the months of January and February in all of the waters of the Necedah National Wildlife Refuge and during the period May 30 to Labor Day, both inclusive, in the following areas:

(a) That part of Ryneerson Flowage No. 1, as marked by suitable posting, lying south of the Becker Road and the south line of T. 19 N., R. 3 E., and east of the chain of islands.

(b) That part of Ryneerson Flowage No. 2, as marked by suitable posting, lying in the S½ Section 31, T. 19 N., R. 3 E., and in Section 6, T. 18 N., R. 3 E.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 19, 1940 (5 F.R. 5284) and strict compliance therewith is required. Fishermen may not use motor boats of any kind and must follow such routes of travel within the refuge as are designated by posting. In addition all fishermen must comply with State fishing laws and regulations, and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations. This license will serve as a Federal permit for fishing in the waters of the refuge.

ALBERT M. DAY,
Director.

[F. R. Doc. 46-11958; Filed, July 10, 1946; 10:20 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 51488]

FRENCH EQUATORIAL AFRICA AND CAME-
ROONS (FRENCH MANDATE)

ADDITION TO "NO CONSUL" LIST

JULY 3, 1946.

In accordance with a recommendation from the Department of State, French Equatorial Africa and Cameroons (French Mandate) are hereby added to

the "No consul" list, (1946) T. D. 51400, (11 F.R. 1358), as amended.

Consular invoices covering merchandise from French Equatorial Africa and Cameroons (French Mandate) will be accepted by collectors of customs if certified under the provisions of section 482 (f), Tariff Act of 1930.

[SEAL]

G. H. GRIFFITH,
Acting Deputy Commissioner.

[F. R. Doc. 46-11962; Filed, July 10, 1946; 10:56 a. m.]

DEPARTMENT OF AGRICULTURE.

Production and Marketing Adminis-
tration.

[Docket No. AO 176-A1]

COLUMBUS, OHIO, MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentatively approved marketing agreement and order regulating the handling of milk in the Columbus, Ohio, marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq.; 10 F.R. 11791), notice is hereby given of a public hearing to be held in the Neil House, Columbus, Ohio, beginning at 9 a. m., e. s. t., July 15, 1946, with respect to the proposed amendments to the tentatively approved marketing agreement, and order, regulating the handling of milk in the Columbus, Ohio, marketing area (11 F.R. 1081). These amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the proposed amendments which are hereinafter set forth.

The following amendments have been proposed by the Central Ohio Cooperative Milk Producers, Inc., Columbus, Ohio:

1. Delete the price table in § 974.5 (b) and substitute therefor the following:

When the basic formula price computed pursuant to (a) of this section is—	The price per hundred-weight for skim milk and butterfat in Class I shall be—		
	Skim milk	Butterfat	4-per-cent milk
Under \$2.00.....	\$0.781	\$50.00	\$2.75
\$2.00 or over but under \$2.25.....	.833	55.00	3.00
\$2.25 or over but under \$2.50.....	.885	60.00	3.25
\$2.50 or over but under \$2.75.....	.938	65.00	3.50
\$2.75 or over but under \$3.00.....	.990	70.00	3.75
\$3.00 or over but under \$3.25.....	1.042	75.00	4.00
\$3.25 or over but under \$3.50.....	1.094	80.00	4.25
\$3.50 or over but under \$3.75.....	1.146	85.00	4.50
\$3.75 or over but under \$4.00.....	1.198	90.00	4.75
\$4.00 or over.....	1.250	95.00	5.00

2. Delete the price table in § 974.5 (c) and substitute therefor the following:

When the basic formula price computed pursuant to (a) of this section is—	The price per hundredweight for skim milk and butterfat in Class II shall be—		
	Skim milk	Butterfat	4 per-cent milk
Under \$2.00.....	\$0.729	\$45.00	\$2.50
\$2.00 or over but under \$2.25.....	.781	50.00	2.75
\$2.25 or over but under \$2.50.....	.833	55.00	3.00
\$2.50 or over but under \$2.75.....	.885	60.00	3.25
\$2.75 or over but under \$3.00.....	.938	65.00	3.50
\$3.00 or over but under \$3.25.....	.990	70.00	3.75
\$3.25 or over but under \$3.50.....	1.042	75.00	4.00
\$3.50 or over but under \$3.75.....	1.094	80.00	4.25
\$3.75 or over but under \$4.00.....	1.146	85.00	4.50
\$4.00 or over.....	1.198	90.00	4.75

3. Delete the price table in § 974.5 (d) and substitute therefor the following:

When the basic formula price computed pursuant to (a) of this section is—	The price per hundredweight for skim milk and butterfat in Class III shall be—		
	Skim milk	Butterfat	4-per-cent milk
Under \$2.00.....	\$0.656	\$43.00	\$2.35
\$2.00 or over but under \$2.25.....	.708	48.00	2.60
\$2.25 or over but under \$2.50.....	.760	53.00	2.85
\$2.50 or over but under \$2.75.....	.812	58.00	3.10
\$2.75 or over but under \$3.00.....	.865	63.00	3.35
\$3.00 or over but under \$3.25.....	.917	68.00	3.60
\$3.25 or over but under \$3.50.....	.969	73.00	3.85
\$3.50 or over but under \$3.75.....	1.021	78.00	4.10
\$3.75 or over but under \$4.00.....	1.073	83.00	4.35
\$4.00 or over.....	1.125	88.00	4.60

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 1331 South Building, Washington 25, D. C., or may be there inspected.

Dated: July 10, 1946.

[SEAL] WILLIAM C. CROW,
Acting Assistant Administrator
for Regulatory and Marketing
Service Matters, Production
and Marketing Administration.

[F. R. Doc. 46-11970; Filed, July 10, 1946;
11:14 a. m.]

[Docket No. AO 175-A2]

DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to the tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, Marketing Area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Cum. Supp., 900.1 et seq.; 10 F.R. 11791), notice is hereby given of a public hearing to be held in the North Gymnasium, Y. M. C. A., Limestone and North Streets, Springfield, Ohio, beginning at 10:00 a. m., e. s. t., July 16, 1946, with respect to the proposed amendments to the tentatively approved

marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area (10 F.R. 6167; 11 F.R. 6901). These amendments have not received the approval of the Secretary of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to economic or marketing conditions which relate to the proposed amendments which are hereinafter set forth.

The following amendments have been proposed by the Miami Valley Cooperative Milk Producers Association, Inc., Dayton, Ohio.

1. Change § 971.4 (b) (3) to § 971.4 (b) (4) and add as § 971.4 (b) (3) the following:

(3) Class II-A milk shall be all skim milk and butterfat used to produce bulk condensed skim milk, or whole (sweetened or unsweetened); ice cream, imitation ice cream, and other frozen desserts and mixes for similar products (liquid or powdered); or frozen cream.

2. Change § 971.5 (d) to § 971.5 (e).

3. Change § 971.5 (e) to § 971.5 (f).

4. Delete the provisions of (b) and (c) of § 971.5 and add as paragraphs (b), (c), and (d) of § 971.5 the following:

(b) *Class I milk prices.* The prices to be paid by each handler, f. o. b. his plant, for that portion of skim milk or butterfat in milk received from producers and associations of producers which is classified as Class I milk, shall be determined by the market administrator as follows:

(1) Add \$0.80 to the basic formula price.

(2) The price per hundredweight of butterfat shall be the sum obtained in (1) of this paragraph multiplied by 20.

(3) The price per hundredweight of skim milk shall be computed by (i) multiplying the price per hundredweight of butterfat pursuant to (2) of this paragraph by \$0.035; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by \$0.965; and (iv) rounding off to the nearest tenth of a cent.

(c) *Class II milk prices.* The prices to be paid by each handler, f. o. b. his plant, for that portion of skim milk and butterfat in milk received from producers and associations of producers which is classified as Class II milk, shall be determined by the market administrator as follows:

(1) Add \$0.53 to the basic formula price.

(2) The price per hundredweight of butterfat shall be the sum obtained in (1) of this paragraph multiplied by 20.

(3) The price per hundredweight of skim milk shall be computed by (i) multiplying the price per hundredweight of butterfat pursuant to (2) of this paragraph by \$0.035; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by \$0.965; and (iv) rounding off to the nearest tenth of a cent.

(d) *Class II-A milk prices.* The prices to be paid by each handler, f. o. b. his plant, for that portion of skim milk or butterfat in milk received from producers and associations which is classi-

fied as Class II-A milk, shall be determined by the market administrator as follows:

(1) Add \$0.38 to the basic formula price.

(2) The price per hundredweight of butterfat shall be the sum obtained in (1) of this paragraph multiplied by 20.

(3) The price per hundredweight of skim milk shall be computed by (i) multiplying the price per hundredweight of butterfat pursuant to (2) of this paragraph by \$0.035; (ii) subtracting such amount from the sum obtained in (1) of this paragraph; (iii) dividing such net amount by \$0.965; and (iv) rounding off to the nearest tenth of a cent.

5. Amend § 971.7 to provide for the computation and announcement of the uniform price based upon a 3.5 percent butterfat test.

6. Make such other changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

The following amendment has been proposed by the Dairy Branch, Production and Marketing Administration:

1. Delete from § 971.7 (b) the term "9th" and substitute therefor the term "10th".

Copies of this notice of hearing and of the tentatively approved marketing agreement and order, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 1331 South Building, Washington 25, D. C., or may be there inspected.

Dated: July 10, 1946.

[SEAL] WILLIAM C. CROW,
Acting Assistant Administrator
for Regulatory and Marketing
Service Matters, Production
and Marketing Administration.

[F. R. Doc. 46-11971; Filed, July 10, 1946;
11:14 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-119]

ACCIDENT AT CHICAGO, ILL.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 28383 which occurred at Chicago, Illinois, on July 2, 1946.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, July 16, 1946 at 9:30 a. m. (local time), in Room 582, Courthouse, 225 Clark Street, Chicago, Illinois.

Dated at Washington, D. C., July 8, 1946.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 46-11973; Filed, July 10, 1946;
11:32 a. m.]

CIVILIAN PRODUCTION ADMINISTRATION.

[Certificate 44, Amdt.]

INTERSTATE COMMERCE COMMISSION RATE CONFERENCE REGULATIONS

The ATTORNEY GENERAL: On March 20, 1943, Certificate No. 44 was issued by the Chairman of the War Production Board, pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357). This certificate and finding were issued as a result of a recommendation of the Director of the Office of Defense Transportation for joint action by common carriers or foreign forwarders, or their respective representatives, through rate bureaus, rate conferences or other similar carrier or forwarder organizations, in the initiation and establishment of common carrier and freight forwarder rates, fares, and charges, and carrier and forwarder regulations and practices pertaining thereto: *Provided*, That such action was to be taken subject to and in compliance with certain regulations for rate conferences formulated by the Interstate Commerce Commission, a copy of which was annexed to the said certificate and made a part thereof. On October 23, 1945, the Chairman of the War Production Board by letter to you withdrew certificate No. 44, the withdrawal to become and be effective February 1, 1946.

On January 31, 1946, I amended the withdrawal of October 23, 1945, so as to make it effective May 1, 1946 instead of February 1, 1946. On April 30, 1946 (11 F.R. 5128) the Acting Administrator of the Civilian Production Administration amended the withdrawal effective May 1, so as to make it effective July 1, 1946, instead of May 1, 1946.

I submit herewith a letter dated June 18, 1946,¹ from the Director of the Office of Defense Transportation, a letter dated June 21, 1946,¹ from the Chairman of the Government Interdepartmental Traffic Committee of the Railroad Division, Reconstruction Finance Corporation, a letter dated June 26, 1946,¹ from the Administrator of the Production and Marketing Division of the Department of Agriculture, a letter dated June 27, 1946,¹ from the Administrator of the War Shipping Administration, and a letter dated June 28, 1946,¹ from the Director of the Office of War Mobilization and Reconversion all requesting, because of the continued emergency, that the withdrawal of Certificate No. 44 be amended in order to permit the continuance of special transportation arrangements made possible by rate schedules worked out under the authority of this certificate.

Pursuant to the authority in Section 12 of Public Law No. 603, 77th Congress, (56 Stat. 357) conferred upon the Chairman of the War Production Board and transferred to the Administrator of the Civilian Production Administration by Executive Order No. 9638, I hereby further amend the withdrawal of the said certificate dated October 23, 1945, by making the effective date of with-

drawal October 1, 1946, instead of July 1, 1946.

Dated: June 28, 1946.

J. D. SMALL,
Administrator.

[F. R. Doc. 46-11941; Filed, July 10, 1946; 9:32 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5999]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREG.-WASH.

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER FROM BONNEVILLE PROJECT

JULY 9, 1946.

Notice is hereby given that the Administrator of the Bonneville Project has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, its proposed wholesale power rate Schedule I-1.

The proposed rate schedule reads as follows:

Availability. This schedule applies to transmission system power delivered by the Administrator under appropriate contracts and used by purchasers either for irrigation pumping or for resale to ultimate consumers for irrigation pumping.

Service under this schedule will be available on a firm power basis during the irrigation season: *Provided*, That before May 1 and after September 30 of each year service may be restricted at the discretion of the Administrator.

Rate. Power shall be sold under this schedule at the rate of \$6.00 net per irrigation season per kilowatt of billing demand.

The net monthly charge for service under this schedule during the irrigation season shall be \$1.00 per kilowatt of the highest measured demand, adjusted for power factor, during the month, or previously occurring during the current irrigation season, or contract demand, whichever is highest, subject to a maximum charge for each irrigation season of \$6.00 net per kilowatt of billing demand. When the cumulative monthly charges during the irrigation season equal \$6.00 net per kilowatt of the highest measured demand, adjusted for power factor, established during the current irrigation season, or of the contract demand, whichever is higher, no further monthly charges shall accrue during such irrigation season unless a higher measured demand occurs or the contract demand is increased. Any deficiency of total monthly bills during the irrigation season below \$6.00 per kilowatt of billing demand shall be paid with the bill for the last billing period beginning prior to October 31.

Billing demand. The billing demand under this schedule shall be the highest measured demand, adjusted for power factor, during the irrigation season, or the contract demand, whichever is

higher. For distributors purchasing power under this schedule for resale to ultimate consumers, combined metering of power used for irrigation pumping may be impracticable, in which event the measured demand, energy consumption and power factor of irrigation pumping load may be estimated by the Administrator from the connected load, energy consumption, power factor, and method of operation of the pumping equipment with allowance for losses to the point of delivery to the distributor, on the basis of suitable field tests.

Power factor adjustment. The measured demand for each billing period, before adjustment for power factor, will be increased 1% for each 1% or major fraction thereof by which the average power factor during the billing period is less than .95 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than .95 would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below .75.

General provisions. Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the General Rate Schedule Provisions effective...

Any person desiring to make representations with respect to the foregoing should submit the same on or before July 25, 1946, to the Federal Power Commission, Washington 25, D. C.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-11977; Filed, July 10, 1946; 11:46 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 542]

UNLOADING OF LUMBER AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of July A. D. 1946.

It appearing, that car CSTPMO 33440 containing lumber at Los Angeles, California, on the Southern Pacific Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

Lumber at Los Angeles, California, be unloaded. (a) The Southern Pacific Company, its agents or employees, shall unload forthwith car CSTPMO 33440, loaded with lumber, now on hand at Los Angeles, California, consigned to American Asiatic Trading Company.

(b) **Notice and expiration.** Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice

¹ Copies of letters filed with the Division of the Federal Register.

shall specify when, where and by whom such unloading was performed. Upon receipt of that notice this order shall expire. (40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction shall be served upon the Southern Pacific Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-11974; Filed, July 10, 1946;
11:34 a. m.]

[Ex Parte No. MC-4¹]

DOUBLE SADDLE-MOUNT IN DRIVEAWAY OPERATIONS

PETITION FOR AMENDMENT OF MOTOR CARRIER SAFETY REGULATIONS

JULY 1, 1946.

In the matter of qualifications of employees and safety of operation and equipment of common carriers and contract carriers by motor vehicle.

Petition of Howard Sober, Inc., for amendment of § 3.54 of the Motor Carrier Safety Regulations, Revised, to permit double saddle-mount in driveaway operations.

In accordance with Rule 68 (49 CFR, Cum. Supp., 1.68) of the Commission's general rules of practice, notice is hereby given to all parties interested in the above entitled proceedings that a prehearing conference in such proceeding will be held beginning at 9:30 a. m., e. s. t., July 22, 1946, at Fort Shelby Hotel, Detroit, Michigan, with Examiner John T. McHale presiding. At such prehearing conference it is contemplated that there shall be discussed three major questions relating to the safety of drive-away operations, namely:

(a) Whether double saddle-mount operations should be permitted;

(b) Whether towed vehicles should be permitted to carry another vehicle;

(c) Standards of specifications for saddle-mounts, tow-bars, and brake requirements for drive-away operations.

For the information of participants there are attached hereto copies of the Commission's order herein of June 19, 1946² and proposed rules³ (including specifications establishing minimum requirements) which are deemed essential

if the Commission authorizes operations referred to in (a) and (b) above.

If agreement can be reached, stipulations may be entered into regarding:

1. The issues in the proceeding with a view to their definition and possible simplification;

2. The possibility of making admissions of certain averments of fact or stipulations, to the end of avoiding unnecessary introduction of proof;

3. The evidence to be offered by the petitioner and other parties;

4. The limitation of the number of witnesses;

5. The propriety of prior mutual exchange between or among the parties of prepared exhibits;

6. Such other matters as may aid in the simplification of the evidence and facilitate disposition of the proceeding.

The attendance of all persons interested in the disposition of this proceeding, either personally or through their attorneys, is earnestly solicited. It will be helpful if participants not in agreement with the proposed rules and specifications submit written proposals in lieu of those deemed objectionable.

The conference will be followed by a formal hearing beginning at 10:00 a. m., e. s. t., July 24, 1946, at Fort Shelby Hotel, Detroit, Michigan.

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 19th day of June A. D. 1946.

It appearing, that Howard Sober, Inc., of Lansing, Michigan, a common carrier by motor vehicle operating under authority of the Commission authorizing the transportation in interstate or foreign commerce of motor vehicles by the truck-away and drive-away methods, has filed a petition praying (1) that the Commission construe § 3.54 (49 CFR, Cum. Supp., 1945 (d)) of the Motor Carrier Safety Regulations, Revised, to permit the transportation of more than one vehicle in addition to the towing vehicle; or in the alternative, (2) that an investigation be made to determine whether the said regulations should be amended to permit dual saddle-mount operations involving more than two vehicles; and (3) that the petitioner and any other motor carriers heretofore engaged in dual saddle-mount drive-away operations be permitted to continue such operations pending a final decision by the Commission; and

It further appearing, that the dual saddle-mount method of drive-away transportation described by the petition involves the towing of more than one motor vehicle, which is in excess of the limitation imposed by the said § 3.54 (49 CFR, Cum. Supp., 1945 (d)); that there is an absence of evidence warranting us in permitting the described operations to be continued; and that the petitioner's first and third prayers therefore should be denied; and

It further appearing, that in addition to determining whether the dual saddle-mount should be authorized, our preliminary investigation indicates the desirability of conducting a full investigation of the various other drive-away methods to determine whether there is need for

providing further safeguards in this respect;

It is ordered, That the first and third prayers of the said petition be, and they hereby are, denied; and

It is further ordered, That the second prayer of the petition be, and it hereby is granted; and, on our own motion, the investigation thus ordered is extended to all drive-away methods utilized by motor carriers in interstate or foreign commerce, for the purpose of determining what, if any, amendments to the Motor Carrier Safety Regulations, Revised, are necessary to assure safety of drive-away operations; and

It is further ordered, That the said petition and related matters be, and they hereby are, assigned to Examiner John T. McHale for hearing at Fort Shelby Hotel, Detroit, Michigan, July 24, 1946, at 10:00 a. m., e. s. t., and report thereon.

And it is further ordered, That a copy of this order be served upon the petitioner and other motor carriers by the drive-away method, and the notice to the general public be given by depositing a copy of it in the office of the Secretary of the Commission in Washington, D. C.

(Sec. 204, 49 Stat. 546, 54 Stat. 921; 49 U.S.C. 304)

By the Commission, Division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-11975; Filed, July 10, 1946;
11:43 a. m.]

OFFICE OF PRICE ADMINISTRATION.

Regional and District Office Orders.

[Region III Order G-24 Under MPR 592, Amtd. 1]

READY MIX CONCRETE IN LOUISVILLE, KY., AREA

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 17 of Maximum Price Regulation No. 592 and the Emergency Price Control Act of 1942, as amended, It is ordered, That Order No. G-24 under section 17 of Maximum Price Regulation No. 592 be and hereby is amended in the following respects:

(1) Paragraph (c) is amended to read as follows:

(c) *Adjustment of producer's maximum prices.* All producers located in the Louisville, Kentucky Area are hereby authorized to increase their maximum prices in effect immediately prior to the effective date of this order to each class of purchaser by \$2.00 per cubic yard on all ready mix concrete produced by them.

This Amendment No. 1 to Order No. G-24 shall become effective June 26, 1946.

Issued June 26, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11905; Filed, July 9, 1946;
11:39 a. m.]

¹ Also embraces Ex Parte No. MC-3, In the Matter of Need for Establishing Reasonable Requirements to Promote Safety of Operation of Motor Vehicles Used in Transporting Property by Private Carriers.

² Filed with the Division of the Federal Register.

[San Antonio Rev. Order G-1 Under Gen. Order 68]

BUILDING MATERIALS IN BEXAR COUNTY, TEX.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, it is hereby ordered:

SECTION I. What this order does. This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A of this order when such sales are made in the geographical area comprising Bexar County, Texas.

SEC. II. Definition of retail sales. The term "retail sale" as used in this order means any sale of the building materials covered by this order to an ultimate user or to a contractor who will resell the same on an installed basis.

SEC. III. Maximum prices. Maximum prices for commodities subject to this order are those set forth in Appendix A, which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein. Receipt of notice of permitted increase from suppliers will not automatically authorize increases in ceiling prices set forth in Appendix A of this order. Such ceiling prices will only be changed by amendment to this order issued by the District Director.

SEC. IV. The relation of this order to other regulations. This order supersedes Order No. 1 under General Order No. 68 issued by the District Director of the San Antonio, Texas, District on January 18, 1946. The maximum prices fixed by this order supersede any maximum prices or price determining method previously established by any other regulation or order issued by the Office of Price Administration for the commodities covered by this order. Items and specifications not specifically priced in this order remain subject to the applicable maximum price regulations.

SEC. V. Posting. Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of business located in the area covered by this order.

SEC. VI. Invoices and notification. Each seller making sales subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser with an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, delivered to job site in free delivery area, or delivered outside free delivery area.

6. If delivery is made outside the seller's free delivery zone, the amount of any delivery charges made stated separately on the invoice.

7. A statement of cash discounts allowed for prompt payment.

Each seller is required to keep a duplicate of such invoice in his place of business, and make it available for inspection by the Office of Price Administration during regular business hours.

SEC. VII. Evasion. The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodities covered by this order or by way of commissions, services, transportation or other charges, or by tying agreement or other trade understanding, or by making the terms and conditions of sale more onerous to buyers than they were during March 1942 (except as specifically permitted by this order).

SEC. VIII. Enforcement and penalties. Persons violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damage provided for by the Emergency Price Control Act of 1942, as amended.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective May 15, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at San Antonio, Texas, this 8th day of May 1946.

C. T. GIESEN,
District Director.

APPENDIX A

Maximum prices for sales of specified items of Building Materials when such sales are made in Bexar County, Texas to building contractors or other ultimate users.

Name of item and basic unit	Maximum price f. o. b. plant, yard siding or store, or delivered in free delivery zone
Plaster, hard wall (ton)	\$20.50
Plaster, hard wall (100-lb. bag)	1.10
Plaster, gaging (100-lb. bag)	1.30
Plaster, moulding (ton)	25.00
Plaster, moulding (100-lb. bag)	1.25
Keene's cement (ton)	35.00
Keene's cement (100-lb. bag)	1.95
2.5 lb. black metal lath, non-copper bearing (sq. yd.)	.30
Metal lath, 2.5-lb painted diamond mesh (sq. yd.)	.31
3.4 lb. black metal lath, non-copper bearing (sq. yd.)	.35
Portland cement, standard, paper bags (bag 94-lb.)	.80
Portland cement, standard cloth bags (bag 94-lb.)	.85
Masonry mortar (sack) (67½-lb.)	.75
Mason's hydrated lime, bag (50-lb.)	.60
Fire brick, 9" straight, Missouri high temp.: (100 to 500) (each)	.10
(500 to 1,000) (each)	.095
(1,000 to 4,000) (each)	.09
(Over 4,000) (each)	.08

Name of item and basic unit	Maximum price f. o. b. plant, yard siding or store, or delivered in free delivery zone
Fire brick, 9" straight, Texas low temp. (1,000)	\$83.50
Fire clay, low temp., 100-lb. bag	1.25
Fire clay, low temp., 1-lb. lots	.03
Clay drain tile, 4", per ft. (comes in 1 ft. lengths)	.10
Clay drain tile, 6", per ft. (comes in 1 ft. lengths)	.17
Flue lining, 8½" x 8½", per ft. (comes in 2 ft. lengths)	.40
Flue lining, 8½" x 13", per ft. (comes in 2 ft. lengths)	.58
Flue lining, 13" x 13", per ft. (comes in 2 ft. lengths)	.74
Flue lining, 13" x 17½", per ft. (comes in 2 ft. lengths)	1.00
Flue lining, 17½" x 17½", per ft. (comes in 2 ft. lengths)	1.45
Gypsum wallboard, ¾" (1,000 sq. ft.)	45.00
Gypsum wallboard, ½" (1,000 sq. ft.)	50.00
Gypsum sheathing, ½" (1,000 sq. ft.)	45.00
Common brick, stiff mud or dry press (1,000)	25.00
Common brick, cement (1,000)	23.45
Glazed sewer tile, 4" (per ft.) (comes in 2 ft. lengths)	.18
Glazed sewer tile, 6" (per ft.) (comes in 2 ft. lengths)	.28
Rock lath, 16 x 48 (1,000 sq. ft.)	26.50
Roof units, 1" gypsum (1,000 sq. ft.)	95.00
Asphalt roofing, mineral surface 90-lb. (Roll.) (108 sq. ft.)	2.75
Asphalt or tarred felt, 15-lb. (Roll.) (4 sq. yds.)	2.70
Asphalt or tarred felt, 30-lb. (Roll.) (2 sq. yds.)	2.70
Asphalt shingles, 210-lb. (3 in 1) (Square) thickbutt	6.00
Asphalt shingles, 167-lb. 2 tab. (Square) hexagon	4.85
Asphalt roofing, smooth surface, 55-lb. (first grade) (square)	2.10
Asphalt roofing, smooth surface, 45-lb. (first grade) (square)	1.75
Asphalt roofing, smooth surface, 35-lb. (first grade) (square)	1.40
Asphalt roofing, smooth surface, 65-lb. (first grade) (square)	2.50
Fibre insulation board, ½", standard, lath and board (1,000 sq. ft.)	56.00
Asbestos cement siding, white, 18 x 24 or 27 (square)	9.75
Standard density synthetic fiber board, ¾" (4 x 8) (such as beaver board) (sq. ft.)	.04
Standard density synthetic fiber board, ¾" (4 x 8) (such as masonite) (sq. ft.)	.09
Hard density, synthetic fiber board, ½" tempered, standard size (sq. ft.)	.10

Basic unit	Maximum price f. o. b. plant, yard, siding or store
Ready-mixed concrete, 1,500-lb. min. (1-3-5) (cu. yd.)	\$6.95
Ready-mixed concrete, 2,500-lb. min. (1-2-4) (cu. yd.)	7.90
Concrete blocks, 8" x 8" x 16", (each)	.15
Concrete blocks, sing. corner, 8" x 8" x 16" (each)	.16
Concrete blocks, double corner, 8" x 8" x 16" (each)	.17
Concrete blocks, 4" x 8" x 16" (each)	.10
Concrete blocks, half block, 8" x 8" x 8" (each)	.10
Concrete blocks, corner sash, block, 8" x 8" x 16" (each)	.17

Name of item	When purchased in following quantities ¹ (See footnote for definitions)	Maximum delivered price per 1,000
Universal or smooth finish structural clay tile, 8 x 5 x 12, vertical or K'lay, No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	\$103.00
To contractor at jobsite.....	do.....	95.00
Carloads on cars.....	Carload.....	83.10
Universal or smooth finish structural clay tile, 8 x 5 x 12, vertical or K'lay, No. 2 quality:		
To consumer at jobsite.....	Truck lot.....	97.00
To contractor at jobsite.....	do.....	89.00
Carloads on cars.....	Carload.....	77.10
Universal or smooth finish structural clay tile, 8 x 5 x 12, horizontal, No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	101.00
To contractor at jobsite.....	do.....	93.00
Carloads on cars.....	Carload.....	81.10
Universal or smooth finish structural clay tile, 8 x 5 x 12, horizontal, No. 2 quality:		
To consumer at jobsite.....	Truck lot.....	95.00
To contractor at jobsite.....	do.....	87.00
Carloads on cars.....	Carload.....	75.10
Universal or smooth finish structural clay tile, 6 x 5 x 12, vertical, No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	85.00
To contractor at jobsite.....	do.....	79.00
Carloads on cars.....	Carload.....	68.95
Universal or smooth finish structural clay tile, 6 x 5 x 12, vertical, No. 2 quality:		
To consumer at jobsite.....	Truck lot.....	80.00
To contractor at jobsite.....	do.....	74.00
Carloads on cars.....	Carload.....	63.95
Universal or smooth finish structural clay tile, 4 x 5 x 12, vertical or horizontal, No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	56.50
To contractor at jobsite.....	do.....	52.50
Carloads on cars.....	Carload.....	45.60
Universal or smooth finish structural clay tile, 4 x 5 x 12, vertical or horizontal, No. 2 quality:		
To consumer at jobsite.....	Truck lot.....	53.10
To contractor at jobsite.....	do.....	49.10
Carloads on cars.....	Carload.....	42.20
Universal or smooth finish structural clay tile, 2 x 5 x 12, vertical, No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	56.50
To contractor at jobsite.....	do.....	52.50
Carloads on cars.....	Carload.....	45.60
Universal or smooth finish structural clay tile, 2 x 5 x 12, vertical, No. 2 quality:		
To consumer at jobsite.....	Truck lot.....	53.10
To contractor at jobsite.....	do.....	49.10
Carloads on cars.....	Carload.....	42.20
Universal or smooth finish structural clay tile, 3 x 12 x 12, partition, No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	95.00
To contractor at jobsite.....	do.....	90.50
Carloads on cars.....	Carload.....	79.15
Universal or smooth finish structural clay tile, 3 x 12 x 12, partition, No. 2 quality:		
To consumer at jobsite.....	Truck lot.....	92.30
To contractor at jobsite.....	do.....	84.80
Carloads on cars.....	Carload.....	73.45
Universal or smooth finish structural clay tile, 4 x 12 x 12, partition, No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	104.00
To contractor at jobsite.....	do.....	96.50
Carloads on cars.....	Carload.....	84.60
Universal or smooth finish structural clay tile, 4 x 12 x 12, partition, No. 2 quality:		
To consumer at jobsite.....	Truck lot.....	98.00
To contractor at jobsite.....	do.....	90.50
Carloads on cars.....	Carload.....	78.60
Universal or smooth finish structural clay tile, 6 x 12 x 12, partition, 3 cell, No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	143.50
To contractor at jobsite.....	do.....	133.00
Carloads on cars.....	Carload.....	116.20
Universal or smooth finish structural clay tile, 6 x 12 x 12, partition, 3 cell, No. 2 quality:		
To consumer at jobsite.....	Truck lot.....	135.25
To contractor at jobsite.....	do.....	124.75
Carloads on cars.....	Carload.....	107.95

¹ For the purposes of this order: Truck lot consists of 500 or more pieces per truck; carload consists of 5,000 or more pieces per carload.

Name of item	When purchased in following quantities ¹ (See footnote for definitions)	Maximum delivered price per 1,000
Universal or smooth finish structural clay tile, 8 x 12 x 12, partition, No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	\$206.00
To contractor at jobsite.....	do.....	191.00
Carloads on cars.....	Carload.....	168.80
Universal or smooth finish structural clay tile, 8 x 12 x 12, partition, No. 2 quality:		
To consumer at jobsite.....	Truck lot.....	194.75
To contractor at jobsite.....	do.....	179.75
Carloads on cars.....	Carload.....	157.55
Universal or smooth finish structural clay tile, flash, block, 8" long, No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	100.00
To contractor at jobsite.....	do.....	100.00
Carloads on cars.....	Carload.....	100.00
Universal or smooth finish structural clay tile, flash, block, 8" long, No. 2 quality:		
To consumer at jobsite.....	Truck lot.....	97.00
To contractor at jobsite.....	do.....	97.00
Carloads on cars.....	Carload.....	97.00
Universal or smooth finish structural clay tile, flash, block, 12" long, No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	150.00
To contractor at jobsite.....	do.....	150.00
Carloads on cars.....	Carload.....	150.00
Universal or smooth finish structural clay tile, flash, block, 12" long, No. 2 quality:		
To consumer at jobsite.....	Truck lot.....	145.50
To contractor at jobsite.....	do.....	145.50
Carloads on cars.....	Carload.....	145.50
Universal or smooth finish structural clay tile, flash, block corners (Set) No. 1 quality:		
To consumer at jobsite.....	Truck lot.....	400.00
To contractor at jobsite.....	do.....	400.00
Carloads on cars.....	Carload.....	400.00

NOTE: For any tile listed above, dovetailed or scratched, all surfaces, deduct \$1 per ton.

1. A delivery charge not to exceed 20¢ per cubic yard per mile may be added to minimum prices hereinabove established for Ready-Mixed Concrete. Distances shall be computed from seller's establishment from which delivery is made to the point of delivery.

2. Terms of sale for all of the commodities covered by this Appendix shall be 2% for cash within 10 days from date of sale, net 30 days.

3. *Free delivery zone.* The term "free delivery zone" as used in this order includes all points within the corporate limits of San Antonio, Olmos Park, Terrell Hills and Alamo Heights, Texas, and all points within a five mile radius of the place from which delivery is made.

4. The following delivery charges may be made when delivery is made outside the free delivery zone hereinabove described of all commodities subject to this order with the exception of Ready-Mixed Concrete:

(a) For sellers who were in business during March 1942, the same delivery charge they had in effect during March 1942 for each type and quantity of sale made.

(b) For sellers who were not in business during March 1942, the delivery charge which their most competitive seller, who was in business during March 1942, may make under the provisions of this order.

5. *Additions for the extension of credit.* The following additions to the maximum prices hereinabove established may be made for the extension of credit beyond 30 days:

(a) Sellers who were in business during March 1942 are permitted to add to prices established hereinabove for the extension of credit beyond a period of 30 days the same additions that they had in effect during March 1942 for the same type and quantity of sale. If no extra charges were made for

the extension of credit during March 1942, none may be added.

(b) Sellers who were not in business during March 1942 are permitted to make the same charge for the extension of credit which their most closely competitive seller is permitted to make under the provisions of this order.

6. *Maintenance of customary discounts.* All customary discounts and allowances, such as contractor's discounts and discounts for pickup by the customer must be continued as required by the applicable maximum price regulations which were controlling prior to the issuance of this order.

[F. R. Doc. 46-11854; Filed, July 8, 1946; 4:16 p. m.]

LIST OF COMMUNITY CEILING PRICES

The following orders under Revised General Order 51 were filed with the Division of the Federal Register July 3, 1946.

Region II

Syracuse Order 3-O, Amendment 2, covering eggs in certain areas in New York. Filed 10:46 a. m.

Syracuse Order 4-O, Amendment 3, covering eggs in certain areas in New York. Filed 10:46 a. m.

Wilmington Order 5-F, Amendment 22, covering fresh fruits and vegetables in the State of Delaware. Filed 10:46 a. m.

Wilmington Order 25, Amendment 4, covering dry groceries in the State of Delaware lying North of the Chesapeake & Delaware Canal. Filed 10:47 a. m.

Wilmington Orders 5-W and 26, Amendment 4, covering dry groceries in the State of Delaware lying North of the Chesapeake & Delaware Canal. Filed 10:47 a. m.

Region III

Charleston Order 7-F, Amendment 69, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:47 a. m.

Charleston Order 9-F, Amendment 69, covering fresh fruits and vegetables in Cabell county and the city of Huntington in Wayne county, West Virginia. Filed 10:47 a. m.

Charleston Order 10-F, Amendment 69, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:48 a. m.

Charleston Order 11-F, Amendment 69, covering fresh fruits and vegetables in Berkeley, Jefferson and Morgan counties, West Virginia. Filed 10:48 a. m.

Charleston Order 15, Amendment 66, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:44 a. m.

Charleston Order 16-F, Amendment 66, covering fresh fruits and vegetables in Boone, Fayette, Kanawha, Putnam and Raleigh counties, West Virginia. Filed 10:44 a. m.

Charleston Order 17-F, Amendment 65, covering fresh fruits and vegetables in certain counties in West Virginia. Filed 10:45 a. m.

Charleston Orders 10-O and 11-O, Amendment 8, covering eggs in certain

counties in West Virginia. Filed 10:45 a. m.

Charleston Order 12-O, Amendment 8, covering eggs in certain counties in West Virginia. Filed 10:45 a. m.

Cincinnati Order 12-F, Amendment 17, covering fresh fruits and vegetables in Franklin county, Ohio. Filed 10:46 a. m.

Cincinnati Order 16-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:46 a. m.

Cincinnati Order 17-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:46 a. m.

Cincinnati Order 18-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Ohio and Kentucky. Filed 10:48 a. m.

Cincinnati Order 19-F, Amendment 6, covering fresh fruits and vegetables in certain counties in Ohio. Filed 10:48 a. m.

Cincinnati Order 8-O, Amendment 2, covering eggs in certain counties in Ohio and Kentucky. Filed 10:48 a. m.

Detroit Order 30, Amendment 4, covering dry groceries in the State of Michigan. Filed 10:49 a. m.

Detroit Order 5-D, Amendment 1, covering butter and cheese in the counties in the lower peninsula of Michigan. Filed 10:49 a. m.

Detroit Order 6-D, Amendment 1, covering butter and cheese in the counties in the upper peninsula of Michigan. Filed 10:49 a. m.

Detroit Order 8-D, Amendment 1, covering butter and cheese in counties in the upper peninsula of Michigan. Filed 10:50 a. m.

Region IV

Birmingham Orders 25, 26, and 27, Amendments 6, 7, and 5, covering dry groceries in the Birmingham area. Filed 10:56 a. m.

Birmingham Order 28, Amendment 6, covering dry groceries in the Birmingham area. Filed 10:56 a. m.

Birmingham Orders 1-D and 2-D, Amendment 1, covering butter and cheese in the Birmingham area. Filed 10:43 and 10:50 a. m.

Birmingham Orders 3-D and 4-D, covering dry groceries in the Birmingham area. Filed 10:48 and 10:50 a. m.

Birmingham Orders 7-W and 8-W, Amendment 7, covering dry groceries in the Birmingham area. Filed 10:57 a. m.

Birmingham Order 4-O, Amendments 17 and 118, covering eggs in Jefferson county, Alabama. Filed 10:50 and 10:56 a. m.

Birmingham Order 7-O, Amendment 14, covering eggs in Montgomery county, Alabama. Filed 10:50 a. m.

Birmingham Order 7-O, Amendment 15, covering eggs in Montgomery county, Alabama. Filed 10:57 a. m.

Jackson Order 7-F, Amendment 38, covering fresh fruits and vegetables in certain counties in Mississippi. Filed 10:43 a. m.

Jackson Orders 24 and 25, Amendment 6, covering dry groceries in the Mississippi area. Filed 10:43 a. m.

Jackson Order 26, Amendment 6, covering dry groceries in the Mississippi area. Filed 10:44 a. m.

Jackson Order 7-W, Amendment 4, covering dry groceries in the Mississippi area. Filed 10:44 a. m.

Jackson Order 1-O, Amendment 15, covering eggs in the city of Jackson, Mississippi. Filed 10:44 a. m.

Jacksonville Orders 46 and 17-W, Amendment 4, covering dry groceries in certain counties in Florida. Filed 10:51 a. m.

Memphis Order 8-F, Amendment 35, covering fresh fruits and vegetables in the city of Memphis and county of Shelby, Tennessee. Filed 10:58 a. m.

Memphis Order 30, Amendment 7, covering dry groceries in the Memphis area. Filed 10:59 a. m.

Raleigh Order 13-F, Amendment 34, covering fresh fruits and vegetables in certain counties in North Carolina. Filed 10:51 a. m.

Raleigh Order 14-F, Amendment 22, covering fresh fruits and vegetables in certain areas in North Carolina. Filed 10:51 a. m.

Raleigh Order 11-C, 12-C, Amendment 15, covering poultry in certain counties in North Carolina. Filed 11:00 a. m.

Raleigh Orders 24 and 26, Amendment 5, covering dry groceries in certain counties in the Raleigh area. Filed 10:59 and 11:00 a. m.

Raleigh Orders 7-W and 8-W, Amendment 5, covering dry groceries in certain counties in the Raleigh area. Filed 10:51 and 10:52 a. m.

Region V

Dallas Order 4-F, Amendment 49, covering fresh fruits and vegetables in Dallas county, Texas. Filed 11:05 a. m.

Dallas Order 6-F, Amendment 38, covering fresh fruits and vegetables in McLennan county, Texas. Filed 11:05 a. m.

Dallas Order 8-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Texas. Filed 11:05 a. m.

Dallas Orders 4-C and 10-O, Amendments 28 and 29, covering poultry and eggs in cities of Dallas and University Park and town of Highland Park, Texas. Filed 11:06 a. m.

Dallas Order 31, Amendment 9, covering dry groceries in certain areas in Texas. Filed 11:06 a. m.

Fort Worth Order 13-F, Amendment 52, covering fresh fruits and vegetables in Tarrant county, Texas. Filed 10:58 a. m.

Oklahoma City Order 15-F, Amendment 3, covering fresh fruits and vegetables in Muskogee and Tulsa counties, Oklahoma. Filed 10:58 a. m.

Fort Worth Order 19-F, Amendment 39, covering fresh fruits and vegetables in Taylor, Tom Green and Wichita counties, Texas. Filed 10:59 a. m.

Fort Worth Order 23-F, Amendment 8, covering fresh fruits and vegetables in certain areas in Texas. Filed 10:59 a. m.

Fort Worth Order 25-F, Amendment 8, covering fresh fruits and vegetables in Brown, Eastland, Haskell and Jones counties, Texas. Filed 10:59 a. m.

Fort Worth Order 26-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Texas. Filed 10:59 a. m.

Region V

Fort Worth Orders 5-C and 1-O, Amendments 29 and 30, covering poultry and eggs in Tarrant county, Texas. Filed 11:01 a. m.

Fort Worth Order 20, Amendment 7, covering dry groceries. Filed 11:02 a. m.

Fort Worth Orders 20 and 21, Amendments 8 and 10, covering dry groceries in certain areas in Texas. Filed 11:02 and 11:00 a. m.

Fort Worth Order 5-W, Amendment 7, covering dry groceries. Filed 11:00 a. m.

Fort Worth Order 5-W, Amendment 8, covering dry groceries. Filed 11:00 a. m.

Houston Order 4-F, Amendment 50, covering fresh fruits and vegetables in certain cities and towns in Texas. Filed 11:06 a. m.

Houston Order 7-F, Amendment 8, covering fresh fruits and vegetables in certain counties in Texas. Filed 11:06 a. m.

Houston Order 8-F, Amendment 8, covering fresh fruits and vegetables in Jasper, Newton and Tyler counties, Texas. Filed 11:07 a. m.

Little Rock Orders 27 and 6-W, Amendments 6 and 7, covering dry groceries. Filed 11:01 a. m.

Little Rock Order 28, Amendment 3, covering dry groceries in certain areas in Arkansas. Filed 11:01 a. m.

Little Rock Order 28, Amendment 4, covering dry groceries in certain areas in Arkansas. Filed 11:02 a. m.

New Orleans Order 3-F, Amendment 50, covering fresh fruits and vegetables in Parishes of Orleans, St. Bernard and Jefferson (except Grand Isle), Louisiana. Filed 10:57 a. m.

New Orleans Order 5-F, Amendment 41, covering fresh fruits and vegetables in the cities of Shreveport, Bossier City, Monroe and West Monroe, Louisiana. Filed 10:57 a. m.

New Orleans Order 6-F, Amendment 40, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 10:57 a. m.

New Orleans Order 7-F, Amendment 8, covering fresh fruits and vegetables in certain Parishes of Louisiana. Filed 10:58 a. m.

New Orleans Order 8-F, Amendment 8, covering fresh fruits and vegetables in certain Parishes of Louisiana. Filed 10:58 a. m.

Oklahoma City Order 14-F, Amendment 3, covering fresh fruits and vegetables in Garfield, Oklahoma and Pottawatomie counties, Oklahoma. Filed 10:58 a. m.

Oklahoma City Order 16-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 10:58 a. m.

Oklahoma Order 17-F, Amendment 3, covering fresh fruits and vegetables in certain counties in Oklahoma. Filed 11:02 a. m.

Oklahoma City Orders 2-C and 1-O, Amendments 29 and 30, covering poultry and eggs in Oklahoma, Tulsa, and Muskogee counties, Oklahoma. Filed 11:02 and 11:03 a. m.

San Antonio Orders 18 and 6-W, Amendment 4, covering dry groceries. Filed 11:04 a. m.

San Antonio Order 19, Amendments 10 and 11, covering dry groceries. Filed 11:03 a. m.

San Antonio Order 19, Amendment 12, covering dry groceries. Filed 11:03 a. m.

Wichita Orders 34, 35, and 36, Amendment 6, covering dry groceries. Filed 11:04 a. m.

Wichita Orders 8-W and 9-W, Amendment 6, covering dry groceries. Filed 11:05 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-11888; Filed, July 9, 1946;
11:32 a. m.]

[Region III Order G-1 Under 75 (a)]

SWEITZER CREAMERY CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and under the authority delegated to the Regional Administrator by § 1499.75 (a) (9a) of Supplementary Regulation No. 15, it is hereby ordered:

(a) *What this order does.* This order grants an adjustment of the maximum retail and wholesale prices of fluid cream of 19% butterfat content sold in one-pint containers by the Sweitzer Creamery Company of Detroit, Michigan (hereinafter called the distributor.) It also provides an adjustment in the maximum prices of resellers of such fluid cream purchased from the distributor.

(b) *Maximum prices.* On and after the effective date of this order, the maximum prices at which the distributor may sell fluid cream of 19% butterfat content in one-pint containers shall be as follows:

Type of Sale and Adjusted Maximum Prices

Wholesale: 25 cents per pint.
Retail: 30 cents per pint.

(c) *Resellers.* Resellers of the commodities specified in paragraph (b) hereof may increase their maximum prices by the same dollar-and-cents amount by which their supplier's maximum prices are increased, pursuant to the provisions hereof.

(d) *Relationship to other regulations and orders.* Except as herein specifically provided otherwise, the provisions of General Maximum Price Regulation shall apply to all sales of fluid cream covered hereby.

(e) *Notification.* At the time of or prior to the first sale and/or delivery, after the effective date of this order, of the commodities covered hereby to any purchaser for resale, all sellers covered hereby shall notify such purchasers of the adjustment permitted hereby and of the provisions of this order affecting resellers.

(f) *Definitions.* Except as the context otherwise requires, all definitions contained in General Maximum Price Regulation and § 1499.75 (a) (9a) of Supplementary Regulation No. 15 shall apply to all terms used herein.

(g) *Amendment and revocation.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 14, 1946.

Issued June 14, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11899; Filed, July 9, 1946;
11:37 a. m.]

[Region III Order G-4 Under Gen. Order 68,
Amdt. 1]

STOCK MILLWORK FOR THE CINCINNATI, OHIO, AREA

For the reasons set forth in an accompanying opinion and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by General Order No. 68, it is hereby ordered:

(a) That section 2 of Order No. G-4 be amended to read as follows:

Sec. 2. *Geographical applicability.* This order applies to all sales or deliveries made by any seller located in the area covered by this order, or any sale or delivery to any buyer located in this area. The area covered by this order shall consist of the Counties of Champaign, Clark, Greene, Hamilton and Madison in the State of Ohio, and Kenton and Campbell Counties in the State of Kentucky.

(b) That section 4 (b) of Order No. G-4 be amended to read as follows:

(b) The prices set out in Table I, are base prices for sales to ultimate users and are subject to the following conditions:

(1) A discount of not less than 5% of these prices shall be granted to all bona fide purchasers for resale installed when buying in less than house lots;

(2) A discount of not less than 10% of these prices shall be granted to all bona fide purchasers for resale installed when buying in house lots regardless of the time and method of delivery by the seller;

(3) For all sales made to bona fide "resellers on an installed basis", a discount of not less than 2% of the net invoice for payment on or before the tenth of the calendar month following the date of delivery. This discount shall not apply on sales quoted and sold on a contract basis;

(4) Sellers covered hereby may add to the maximum prices listed in Table I, hereof, the exact amount of their suppliers' increases in price pursuant to Amendment No. 16 to Revised Maximum Price Regulation No. 293, provided such sellers list such price increases with their District Offices of the Office of Price Administration before selling at such increased prices.

(c) That the price lists for Fir Glass Doors (No. 2 Quality), Fir Panel Doors, and Garage Doors contained in Table I of Order No. G-4 be amended to read as set forth in the price lists for these

items which are attached hereto¹ and made a part of this amendment.

This Amendment No. 1 to Order No. G-4 shall become effective June 12, 1946.

Issued June 12, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11898; Filed, July 9, 1946;
11:37 a. m.]

[Region III Order G-17 Under Gen Order 68,
Amdt. 1]

STOCK MILLWORK IN ATHENS, OHIO, AREA

For the reasons set forth in an accompanying opinion and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by General Order No. 68, it is hereby ordered:

(a) That section 4 (b) of Order No. G-17 be amended to read as follows:

(b) The prices set out in Table I, are base prices for sales to ultimate users and are subject to the following conditions:

(1) For all sales made to bona fide "re-sellers on an installed basis", a discount of not less than 2% of the net invoice for payment on or before the tenth of the calendar month following the date of delivery. This discount shall not apply on sales quoted and sold on a contract basis;

(2) Sellers covered hereby may add to the maximum prices listed in Table I, hereof, the exact amount of their suppliers' increases in price pursuant to Amendment No. 16 to Revised Maximum Price Regulation No. 293, provided such sellers list such price increases with their District Offices of the Office of Price Administration before selling at such increased prices.

(b) That the price lists for Fir Glass Doors (No. 2 Quality), Fir Panel Doors, and Garage Doors, contained in Table I of Order No. G-17, be amended to read as set forth in the price lists for these items which are attached hereto¹ and made a part of this amendment.

This Amendment No. 1 to Order No. G-17 shall become effective June 12, 1946.

Issued June 12, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11896; Filed, July 9, 1946;
11:36 a. m.]

[Region III Order G-16 Under SO 142,
Amdt. 2]

ADAPTI CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 2 of Supplementary Order No. 142 and the Emergency Price Control Act of 1942, as amended, it is ordered that Order No. G-16 under section 2 of Supplementary Order No. 142 be and

¹ Filed as part of original document.

the same is hereby amended in the following respects:

1. Paragraph (c) (1) is amended to read as follows:

(c) *Resellers' adjusted maximum prices.* (1) Any reseller of the products for which adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect immediately prior to the date of this order, to each class of purchaser, the actual percentage amount of increase in his invoiced cost resulting from the increase granted the manufacturer by this order.

2. Paragraph (d) is amended to read as follows:

(d) *Notification.* The manufacturer, prior to the first billing after the adjustment is put into effect, shall send to each purchaser of the products covered by this order, a notice specifying the amount of increase granted by this order. Such notice shall substantially contain the following:

Order No. G-16 under section 2 of Supplementary Order No. 142 provides for a certain specified percentage increase in the maximum net prices for all electrical fittings, except service entrance caps and ells, manufactured by the Adapti Company, Cleveland, Ohio.

Resellers may add to their maximum prices in effect immediately prior to the date of this order, the actual percentage amount of increase in their invoiced cost resulting from the increase granted the manufacturer by this order.

This amendment No. 2 shall become effective June 12, 1946.

Issued June 12, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11908; Filed, July 9, 1946;
11:40 a. m.]

[Region III Order G-6 Under SO 119, Amdt. 2]

MENGEL CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 15 of Revised Supplementary Order No. 119, It is ordered, That:

(1) Order No. G-6 under Supplementary Order No. 119 be, and the same is, hereby amended in the following respects:

(a) Paragraph (a) is hereby amended to read as follows:

(a) *What this order does.* This Order No. G-6 authorized an increase in the maximum prices of hollow core flush doors and partitions manufactured by the Mengel Company, Louisville, Kentucky, hereinafter referred to as the manufacturer. The order further provides for a like increase in reseller's prices.

(b) Paragraph (b) is hereby amended to read as follows:

(b) *Maximum prices.* The manufacturer is hereby authorized to increase

by not more than 55.3% its maximum prices of the hollow core flush doors and partitions manufactured by it.

This amendment shall become effective June 5, 1946.

Issued June 5, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11910; Filed, July 9, 1946;
11:41 a. m.]

[Region III Order G-26 Under SO 142]

EWING FOUNDRY CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 2 of Supplementary Order No. 142, and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This Order No. G-26 authorized certain adjusted maximum prices on a line of electric fan propellers, covered by Revised Maximum Price Regulation No. 136, manufactured by Ewing Foundry Company, Indianapolis, Ind., hereinafter referred to as the manufacturer. The maximum prices of the manufacturer and resellers are adjusted herein.

(b) *Manufacturer's adjusted maximum price.* The manufacturer is hereby granted the following adjusted maximum list prices for its sale of the following specified models of electric fan propellers manufactured by it:

Model No.:	Maximum list price
1266	\$4.00
1466	4.20
1666	4.60
1866	5.00
2066	6.00
2266	6.50
2466	8.00
2666	9.00
2866	10.75
3066	12.75
Special	2.65

(2) The manufacturer shall maintain, on all sales hereby affected, all discounts, allowances, and other price differentials which it had in effect immediately prior to the effective date of this order.

(c) *Resellers' adjusted maximum prices.* (1) Any reseller of products for which an adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect immediately prior to the effective date of this order, a percentage increase in his net invoiced costs due to the adjustment granted the manufacturer by this order.

(2) Resellers' maximum prices adjusted under this paragraph are subject to each resellers' discounts, allowances, and other price differentials for sales to each class of purchaser.

(d) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment hereby granted, shall send to each purchaser who resells the products covered by this order, a notice of the adjustment authorized by this order. Such notice shall substantially contain the following:

Order No. G-26 under section 2 of Supplementary Order No. 142, provides certain adjusted maximum prices for our sale of the following electric fan propellers covered by Revised Maximum Price Regulation No. 136: Model No. 1266, 1466, 1666, 1866, 2066, 2266, 2466, 2666, 2866, 3066, Special. Resellers may add to their maximum prices for these products in effect immediately prior to the effective date of this order, a percentage amount equal to the percentage increase in their net invoiced costs resulting from the adjustment granted to us by this order. The adjusted resellers' prices are subject to customary allowances and discounts under the terms of the order.

(e) *Revocation and amendment.* This order may be modified, amended, or revoked at any time by the Office of Price Administration.

This order shall become effective June 18, 1946.

Issued June 18, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11907; Filed, July 9, 1946;
11:40 a. m.]

[Region III Order G-29 Under Gen. Order 68]
HARD BUILDING MATERIALS IN PAINESVILLE,
OHIO, AREA

For the reasons set forth in an opinion which has been filed with the Division of the Federal Register, and pursuant to the provisions of General Order No. 68 and of Regional Basic Order No. 1-B under General Order No. 68, this order is issued:

SECTION 1. *What this order does.* This adopting order establishes dollars-and-cents maximum prices for the hard building materials listed in Table 1, hereof, when sold at retail at or from any point within the Painesville, Ohio Area.

SEC. 2. *Area covered.* For the purposes of this order, the "Painesville, Ohio Area" consists of the County of Lake in the State of Ohio.

SEC. 3. *Applicability of Basic Order No. 1-B.* All the provisions of Basic Order No. 1-B, consistent with this Adopting Order No. G-29, are hereby adopted by, and incorporated by reference into, this order as though fully re-written herein. If Basic Order No. 1-B is amended in any respect, all of the provisions of that order, as amended, shall likewise, without other action, be a part of this order.

All persons subject to this Adopting Order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1-B.

SEC. 4. *Maximum prices—(a) Price list.* The maximum prices for hard building materials covered by this order shall be those set forth in Table I which is annexed to, and made a part of, this order. Prices lower than the listed maximum prices may, of course, be charged or paid.

(b) *Delivery.* (1) For deliveries of any of the items listed in Table I hereof, a seller covered hereby shall charge no more than he charged in March 1942 for the same or similar delivery service.

(2) No deduction need be made from the maximum prices listed in Table I,

hereof, where the purchaser elects to make his own delivery.

(c) *Discounts.* No seller covered hereby shall discontinue or reduce any of the allowances or discounts, which he offered in March, 1942 on sales of any of the items listed in Table I, hereof.

This Order No. G-29 shall become effective June 21, 1946.

Issued June 7, 1946.

FRANCIS B. DOUGLASS,
Acting Regional Administrator.

TABLE I

Commodity and unit	Maximum price
Plaster, hardwall, 100-lb. sack	\$1.07
Plaster, hardwall, ton	21.40
Plaster, sanded, 100-lb. sack	.72
Plaster, sanded, ton	14.40
Plaster, gauging, 100-lb. sack	1.82
Plaster, moulding, 100-lb. sack	1.82
Keene's cement, 100-lb. sack	2.00
Finishing lime, 50-lb. sack	.52
Gypsum lath $\frac{3}{8}$ -inch, 1,000 sq. ft.	25.50
Metal lath, corner bead, expanded type, lin. ft.	.04
Portland cement (paper sack), 94-lb. sack	.70
Portland cement (paper bags), 94-lb. sack	.73
Mason's hydrated lime, 50-lb. sack	.45
Waterproof cement (gray), 94-lb. sack	.90
Fire brick 9-inch straight first quality, each	.07
Fire clay, 100-lb. sack	1.00
Clay drain tile 4-inch, lin. ft.	.069
Clay drain tile 6-inch, lin. ft.	.137
Vitrified clay sewer pipe #1SS-4-inch, 2 lin. ft.	.33
Vitrified clay sewer pipe #1SS-6-inch, 2 lin. ft.	.50
Flue lining 8-inch x 8-inch, 2 lin. ft.	.68
Flue lining 8-inch x 12-inch, 2 lin. ft.	1.05
Flue lining 12-inch x 12-inch, 2 lin. ft.	1.40
Gypsum wallboard $\frac{3}{8}$ -inch, 1,000 sq. ft.	45.00
Gypsum wallboard $\frac{1}{2}$ -inch, 1,000 sq. ft.	50.00
Gypsum sheathing $\frac{1}{2}$ -inch, 1,000 sq. ft.	42.50
Asphalt roofing 90-lb. mineral surface, roll (108 sq. ft.)	2.75
Asphalt or tarred felt 15-lb., roll (432 sq. ft.)	2.80
Asphalt or tarred felt 30 lb., roll (216 sq. ft.)	2.80
Asphalt shingles 210-lb. (3 in 1) thick-butt, 100 sq. ft.	6.05
Fibre insulation board $\frac{1}{2}$ -inch standard lath and board, 1,000 sq. ft.	53.00
Fibre insulation board $\frac{2}{3}$ -inch asphalt sheathing, 1,000 sq. ft.	72.00
Thermal insulation blankets (paper backed) medium, 1,000 sq. ft.	45.00
Thermal insulation blankets (paper backed) thick, 1,000 sq. ft.	75.00
Thermal insulation batts (paper backed) 2-inch thick, 1,000 sq. ft.	45.00
Thermal insulation batts (paper backed) full-thick, 1,000 sq. ft.	75.00
Thermal insulation, loose in bags (plain), 35-lb. bag	1.25
Thermal insulation, loose in bags (modulated), 35-lb. bag	1.45

Delivery charges. (1) For deliveries of any of the items listed in Table I hereof, a seller covered hereby shall charge no more than he charged in March 1942 for the same or similar delivery service.

(2) No deduction need be made from the maximum prices listed in Table I, hereof, where the purchaser elects to make his own delivery.

Discounts. No seller covered hereby shall discontinue or reduce any of the allowances

or discounts, which he offered in March 1942, on sales of any of the items listed in Table I, hereof.

[F. R. Doc. 46-11892; Filed, July 9, 1946; 11:33 a. m.]

[Region III Order G-29 Under MPR 592]

GOSHEN BRICK & CLAY CORP. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This Order No. G-29, under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of maximum prices for the sale of clay brick manufactured by the Goshen Brick & Clay Corporation, Newcomerstown, Ohio, hereinafter referred to as the manufacturer. The maximum prices of the manufacturer and the maximum prices of the resellers of such commodities are adjusted herein.

(b) *Manufacturer's adjusted maximum prices.* (1) The adjusted maximum prices, f. o. b. plant for sales by the manufacturer of the various sizes and types of clay brick manufactured by it are as follows:

CLAY BRICK	Adjusted maximum price per M brick
Smooth gray:	
Uniform, pearl gray	\$32.89
Uniform, medium light	32.89
Uniform, medium dark	32.89
Pearl gray, slight mangle	31.89
Mingle (shade 91-92)	31.89
Mingle (shade 93-94)	31.89
Mingle (shade 91-94)	31.89
Speckled range, large spots	32.39
Smooth ivory:	
Uniform	31.89
Mingle	30.89
Speckled range, large spots	32.39
Smooth golden:	
Uniform	31.89
Mingle	30.89
Fine matt texture gray:	
Mingle, clear shades	31.89
Mingle, clear and flashed	31.89
Rough matt texture gray:	
Mingle, clear shades	31.89
Mingle, clear and flashed	31.89
Matt texture ivory:	
Mingle, clear shades	30.89
All flashed range	30.89
Matt texture golden:	
Mingle, clear shades	30.89
Vertical ivory:	
Mingle, clear shades	30.89
Seconds—mingled:	
Smooth and textured gray	28.89
Smooth and textured ivory	27.89

All brick listed are standard size, cored 3 holes, weight 4.55 unless otherwise specified. Terms: \$1.00 per M cash discount 10th and 25th. Net, 30 days.

(2) The manufacturer shall maintain on all sales hereby affected, discounts and allowances at least as favorable as those which it had in effect in March 1942.

(c) *Resellers' adjusted maximum prices.* (1) Any reseller of the commodities for which an adjustment is granted the manufacturer in (b) above may add

to his maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the actual dollars-and-cents amount of any increase in his net invoiced cost resulting from the adjustment granted the manufacturer by this order.

(2) Resellers' maximum prices adjusted under this paragraph are subject to each reseller's customary terms, discounts, allowances and other price differentials on sales to each class of purchaser.

(d) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the commodities covered by this order, a notice of the adjustment authorized by this order. Such notice shall contain substantially the following:

Order No. G-29 under section 16 of Maximum Price Regulation No. 592 provides adjusted maximum prices for the sale by The Goshen Brick and Clay Corporation of Newcomerstown, Ohio, of clay brick manufactured by it. Resellers may add to their maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the actual dollars-and-cents amount of any increase in their invoiced cost resulting from the adjustment granted to the manufacturer by this order.

(c) *Revocation and amendment.* This order may be revoked or amended at any time by the office of Price Administration.

This order shall become effective June 14, 1946.

Issued June 14, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11904; Filed, July 9, 1946; 11:39 a. m.]

[Region III Order G-32 Under MPR 592]

CONCRETE AND CINDER BLOCKS IN INDIANAPOLIS, IND., AREA

For the reasons set forth in an accompanying Opinion, which has been filed with the Division of the Federal Register, and pursuant to the authority granted the Regional Administrator of the Office of Price Administration under section 17 of Maximum Price Regulation No. 592, this order is issued:

SECTION 1. *Transactions covered by this order.* This order establishes adjusted maximum prices for all sales by any manufacturer of concrete blocks in the Indianapolis, Indiana Area.

SEC. 2. *Area covered.* For the purposes of this order, the "Indianapolis, Indiana Area" consists of the Counties of Marion, Boone, Hamilton, Hendricks, Hancock, Morgan, Johnson, and Shelby in the State of Indiana.

SEC. 3. *Prohibitions against sales at higher than maximum prices.* No person shall sell or offer to sell and no person shall buy or offer to buy, in the course of trade or business any of the commodities covered hereunder at prices greater than the adjusted maximum prices established by this order.

Sec. 4. *Relationship to other maximum price regulations and orders.* The adjusted maximum prices and pricing methods established by this order supersede any maximum price or pricing method fixed by any other maximum price regulation or order. To the extent they are consistent with the provisions of this order, the provisions of Maximum Price Regulation No. 592, as amended, shall apply to all sales and deliveries of concrete blocks covered by this order.

Sec. 5. *Maximum prices—(a) Price list.* The maximum prices for the concrete and cinder blocks covered by this order shall be either those set forth in Table I, which is annexed to and made a part of this order or the present legally established maximum prices of the seller, whichever is higher. Prices lower than the listed maximum prices may, of course, be charged or paid.

(b) *Delivery.* (i) The prices listed in Table I, hereof, in the column headed, "Maximum Price Delivered in Area" include delivery to any point within the Indianapolis, Indiana Area.

(ii) For delivery beyond the Indianapolis, Indiana Area at the seller's expense, such seller shall charge no more than the price listed in Table I, hereof, in the column headed, "Maximum Price

F. O. B. Yard," plus the lowest transportation rate in effect for the mode of transportation used.

(c) *Discounts.* The applicable prices listed in Table I, hereof, are subject to the following discounts:

(i) On cash sales to dealers or contractors, a trade discount of not less than five percent of the applicable price listed in Table I, above, shall be given.

(ii) On sales to dealers, an additional discount of not less than five percent of the net price computed under subsection (i), hereof, shall be given.

(iii) On sales to purchasers other than dealers, a quantity discount of not less than five percent of either the applicable price listed in Table I, hereof, or the net price computed under subsection (i), hereof, as the case may be, shall be given on purchases in quantities in excess of 100 dollars.

Sec. 6. *Revocation or amendment.* This order may be amended or revoked at any time by the Office of Price Administration.

This Order No. G-32 shall become effective June 18, 1946.

Issued June 18, 1946.

JOHN F. KESSEL,
Regional Administrator.

TABLE I

Commodity and size (inches)	Shape	Maximum price f. o. b. yard	Maximum price, delivered in area
CONCRETE BLOCKS			
3 x 8 x 16	Solid	\$0.13	\$0.14
3 x 8 x 12	do	.10½	.11½
3 x 8 x 8	do	.07	.08
3 x 8 x 4	Plugs	.04	.05
4 x 8 x 16	Hollow	.10½	.11½
4 x 8 x 12	Solid specials	.13	.14
4 x 8 x 8	Solid	.10½	.11½
4 x 8 x 4	Solid specials	.07	.08
6 x 8 x 16	Plugs	.04	.05
6 x 8 x 12	Plain	.13	.15
6 x 8 x 8	Headers	.15	.17
6 x 8 x 4	Specials	.15	.17
8 x 8 x 16	do	.07½	.09½
8 x 8 x 12	Plain	.14	.16
8 x 8 x 8	Specials	.16½	.18½
8 x 8 x 4	do	.08	.10
8 x 8 x 16	Headers	.16½	.18½
8 x 8 x 12	Angle-block, handmade	.29	.31
8 x 8 x 8	Vent-block, handmade	.93	.95
8 x 8 x 4	Three-quarters	.16½	.18½
8 x 8 x 16	Rock face	.16½	.18½
8 x 8 x 12	Rock face specials	.20½	.22½
8 x 8 x 8	do	.09½	.11½
10 x 8 x 16	Plain	.17½	.19½
10 x 8 x 12	Specials	.20	.22
10 x 8 x 8	do	.10	.12
10 x 8 x 4	Corners	.23½	.25½
12 x 8 x 16	Plain	.21	.23
12 x 8 x 12	Specials	.23½	.25½
12 x 8 x 8	do	.11½	.13½
12 x 8 x 4	Bull-nosed column	.29	.31
5 x 8 x 16	Plain	.14	.16
5 x 8 x 12	Specials	.16½	.18½
5 x 12 x 16	Plain	.18½	.20½
5 x 12 x 12	Specials	.21	.23
7 x 16 x 16	Chimney block, 9 in. flue	.76	.78
7 x 16 x 12	Chimney block thimble unit	.93	.95
4 x 8 x 9	Flue-block	.09½	.11½
4 x 8 x 3	do	.11½	.13½
4 x 8 x 17	do	.14	.16
4 x 8 x 13	Flue-block thimble unit	.35	.37
1½ x 8 x 16	Furring-block	.07	.08

Delivery. (i) The prices listed in Table I, above, in the column headed, "Maximum Price Delivered in Area" include delivery to any point within the Indianapolis, Indiana Area.

(ii) For delivery beyond the Indianapolis, Indiana Area at the seller's expense, such seller shall charge no more than the price listed in Table I, above, in the column headed,

"Maximum Price F. O. B. Yard," plus the lowest transportation rate in effect for the mode of transportation used.

Discounts. The applicable prices listed in Table I, above, are subject to the following discounts:

(i) On cash sales to dealers or contractors, a trade discount of not less than five percent of the applicable price listed in Table I, above, shall be given.

(ii) On sales to dealers, an additional discount of not less than five percent of the net price computed under subsection (i), above, shall be given.

(iii) On sales to purchasers other than dealers, a quantity discount of not less than five percent of either the applicable price listed in Table I, above, or the net price computed under subsection (i), above, as the case may be, shall be given on purchases in quantities in excess of 100 dollars.

[F. R. Doc. 46-11901; Filed, July 9, 1946; 11:38 a. m.]

[Region III Order G-31 Under MPR 592]

INDIANA LOCK-JOINT CONCRETE PIPE CO.
ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This order No. G-31 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of the maximum prices for the sale of concrete drain tile manufactured by the Indiana Lock-Joint Concrete Pipe Company of Lafayette, Indiana, hereinafter referred to as the manufacturer. The maximum prices of the manufacturer and the maximum prices of the resellers of such commodities are adjusted herein.

(b) *Manufacturer's adjusted maximum prices.* (1) The adjusted maximum prices for sales by the manufacturer of the various sizes and types of concrete drain tile manufactured by it are as follows:

CONCRETE DRAIN TILE		
Size (inches)	F. o. b. factory—adjusted maximum price per M feet	Delivered—50-mile radius—adjusted maximum price per M feet
4	\$54.50	\$60.00
5	60.00	65.25
6	76.25	81.50
8	138.25	147.00
10	189.25	201.25
12	250.25	268.75
14	360.25	380.75
15	415.50	440.50
16	472.25	505.00
18	609.25	651.75
20	772.00	822.50
22	870.50	941.50
24	1,088.00	1,167.00
27	1,689.00	1,785.00
30	2,120.00	2,237.00

(2) The manufacturer shall maintain on all sales hereby affected, discounts, and allowances at least as favorable as those which it had in effect immediately prior to the effective date of this order.

(c) *Resellers' adjusted maximum prices.* (1) Any reseller of the commodities for which an adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the actual dollars-and-cents amount of any increase in his net invoiced cost resulting from the adjustment granted the manufacturer by this order.

(2) Resellers' maximum prices adjusted under this paragraph are subject to each reseller's customary terms, discounts, and allowances and other price differentials on sales to each class of purchaser.

(d) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the commodities covered by this order, a notice of the adjustment authorized by this order. Such notice shall contain substantially the following:

Order No. G-31 under Section 16 of Maximum Price Regulation No. 592 provides adjusted maximum prices for the sale by the Indiana Lock-Joint Concrete Pipe Company of Lafayette, Indiana, of concrete drain tile manufactured by it. Resellers may add to their maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the actual dollars-and-cents amount of any increase in their net invoiced cost resulting from the adjustment granted to the manufacturer by this order.

(e) *Revocation and amendment.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 20, 1946.

Issued June 20, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11902; Filed, July 9, 1946;
11:38 a. m.]

[Region III Order G-33 Under MPR 592]

CRISS AND SHAVER, INC., ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This order No. G-33 under section 16 of Maximum Price Regulation No. 592 provides for an adjustment of the maximum prices of ready mix concrete, sand and gravel produced by Criss and Shaver, Inc., of Charleston, West Virginia, hereinafter referred to as the manufacturer. The maximum prices of the manufacturer and the maximum prices of resellers of such commodities are adjusted herein.

(b) *Manufacturer's adjusted maximum prices.* (1) The adjusted maximum prices for the sale by the manufacturer of ready mix concrete, sand and gravel produced by it are as follows:

Zone 1: City of Charleston, South Charleston, Kanawha City, East Kanawha Estates, Spring Hill, Slip Hill, Ferry Branch, South Ruffner, Big Chimney, Dunbar, Dana, Malden, 2½ Mile Creek.

Concrete and plant price	Delivered (per ton)
Mix No. 4, \$9.45 coarse sand, \$2.20 per ton	\$2.35
Mix No. 5, \$10.05 fine sand, \$2.30 per ton	2.35
Mix No. 6, \$10.60 gravel, \$2.20 per ton	2.35

Terms: 2% Discount—30 Days.
Payload on material 3 ton. Add \$1.80 to plant price on less than 3 ton loads.

Minimum delivery charge on Concrete: Any delivery less than 3 cubic yards, add \$4.00 per delivery.

Zone 2: St. Albans, Belle, Marmet, Institute, Elkview, Tyler Mountain, Guthrie, Davis Creek.

Concrete:	Delivered (per ton)
Mix No. 4, \$10.65 coarse sand	\$3.25
Mix No. 5, \$11.20 gravel	3.25
Mix No. 6, \$11.80	
Topping, \$17.70	

Terms: 2% Discount—30 Days.
Payload on material 3 ton. Add \$2.40 to plant price on less than 3 ton loads.

Minimum delivery charge on Concrete: Any delivery less than 3 cubic yards, add \$4.00 per delivery.

Zone 3: Cabin Creek Junction, Top Coal Mountain, Nitro, Scary, Slonsville, Lem Creek Mountain, Ruth, Cedar Grove, East Bank, Clendenin, Pinch, Quick.

Concrete:	Delivered (per ton)
Mix No. 4, \$11.80 coarse sand	\$3.85
Mix No. 5, \$12.40 gravel	3.85
Mix No. 6, \$13.00	
Topping, \$19.50	

Terms: 2% Discount—30 Days.
Payload on material 3 ton. Add \$4.20 to plant price on less than 3 ton loads.

Minimum delivery charge on Concrete: Any delivery less than 3 cubic yards, add \$4.00 per delivery.

Carload lots Sand and Gravel F. O. B. Charleston, West Virginia, Plant \$1.60 per ton.

(2) The manufacturer shall maintain, on all sales hereby affected, all discounts, allowances and other price differentials which it had in effect immediately prior to the effective date of this order.

(c) *Resellers' adjusted maximum prices.* (1) Any reseller of the commodities for which an adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the actual dollars-and-cents amount of any increase in his net invoiced cost resulting from the adjustment granted the manufacturer by this order.

(2) Resellers' maximum prices adjusted under this paragraph are subject to each reseller's customary terms, discounts, allowances and other price differentials on sales to each class of purchaser.

(d) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the commodities covered by this order, a notice of the adjustment authorized by this order. Such notice shall contain substantially the following:

Order No. G-33 under section 16 of Maximum Price Regulation No. 592 provides adjusted maximum prices for the sale by the Criss & Shaver, Inc., of Charleston, West Virginia, of ready mix concrete, sand and gravel manufactured by it. Resellers may add to their maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the actual dollars-and-cents amount of any increase in their net invoiced cost resulting from the adjustment granted to the manufacturer by this order.

(e) *Revocation and amendment.* This order may be revoked or amended at any

time by the Office of Price Administration.

This order shall become effective June 20, 1946.

Issued June 20, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11900; Filed, July 9, 1946;
11:37 a. m.]

[Region III Order G-34 Under SO 142]

HELLER-ALLER CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 2 of Supplementary Order No. 142 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This Order No. G-34 under section 2 of Supplementary Order No. 142 provides for an adjustment of the maximum prices of products manufactured by the Heller-Aller Company of Napoleon, Ohio (hereinafter referred to as the manufacturer), identified as follows: windmills, hand or windmill pumps, water systems and barn and barnyard equipment covered by Maximum Price Regulation No. 246; and mechanical pump-jacks covered by Revised Maximum Price Regulation No. 136.

(b) *Manufacturer's adjusted maximum prices.* (1) The adjusted maximum prices for sales by the manufacturer of its products as set forth in (a) above shall be its maximum net prices in effect immediately preceding the effective date of this order, to each class of purchaser, increased by 16%.

(2) The manufacturer shall maintain, on all sales hereby affected, all cash and quantity discounts, allowances and other price differentials which it had in effect immediately prior to the effective date of this order.

(c) *Resellers' adjusted maximum prices.* (1) Resellers of products for which adjustment is granted the manufacturer in (b) above and which are covered under Maximum Price Regulation No. 246 shall price such products in accordance with the provisions of Maximum Price Regulation No. 246; resellers of other products covered by this order and for which adjustments have been granted the manufacturer in (b) above may add to their maximum prices in effect immediately prior to the effective date of this order, to each class of purchaser, the actual dollars-and-cents amount of increase in their net invoiced cost resulting from the adjustment granted the manufacturer by this order.

(2) Reseller's maximum prices adjusted under this paragraph are subject to each reseller's discounts, allowances and other price differentials for sales to each class of purchaser.

(d) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustments herein granted, shall send to each purchaser who resells the products covered by this order, a notice

of the adjustment authorized by this order. Such notice shall be substantially as follows:

Order No. G-34 under section 2 of Supplementary Order No. 142 provides a certain specified percentage increase in the maximum net prices of the products manufactured by the Heller-Aller Company of Napoleon, Ohio. Resellers of these products, with the exception of mechanical pump-jacks, are authorized by this order to price these products in accordance with the provisions of Maximum Price Regulation No. 246. Resellers of mechanical pump-jacks may add to their maximum prices of such products in effect immediately prior to the effective date of this order, to each class of purchaser, the actual dollars-and-cents amount of any increase in their net invoiced cost resulting from the adjustment granted the manufacturer by this order.

(e) *Revocation and amendment.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 26, 1946.

Issued June 26, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11915; Filed, July 9, 1946;
11:42 a. m.]

[Region III Order G-35 Under SO 142]

CLIZBE BROS. MFG. CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 2 of Supplementary Order No. 142 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) *What this order does.* This order No. G-35 under section 2 of Supplementary Order No. 142 provides for an adjustment of the maximum prices of all saw mandrels, covered by Revised Maximum Price Regulation No. 136, manufactured by Clizbe Brothers Manufacturing Company, Plymouth, Indiana, hereinafter referred to as the manufacturer. The maximum prices for sales by the manufacturer and for sales by resellers are adjusted herein.

(b) *Manufacturer's adjusted maximum prices.* (1) The manufacturer is hereby authorized to increase by 15% its list prices in effect on April 16, 1946 for all saw mandrels produced by it.

(2) The manufacturer shall maintain, on all sales hereby affected, all discounts, allowances and other price differentials which it had in effect on April 16, 1946.

(c) *Resellers' adjusted maximum prices.* (1) Any reseller of products for which an adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect on April 16, 1946, to each class of purchaser, the actual percentage amount of increase in his net invoiced cost resulting from the adjustment granted the manufacturer.

(2) Resellers' maximum prices adjusted under this paragraph are subject to each reseller's established discounts, allowances and other price differentials for sales to each class of purchaser.

(d) *Notification.* The manufacturer, at or prior to the first billing reflecting the adjustment herein granted, shall send to each purchaser who resells the products covered by this order a notice of the adjustment authorized by this order. Such notice shall contain substantially the following:

Order No. G-35 under section 2 of Supplementary Order No. 142 provides for a specified percentage increase in the list prices of all saw mandrels manufactured by Clizbe Brothers Manufacturing Company, Plymouth, Indiana, and covered by Revised Maximum Price Regulation No. 136. Resellers may add to their maximum prices in effect on April 16, 1946, to each class of purchaser, the actual percentage amount of increase in their net invoiced cost resulting from the adjustment granted the manufacturer by this order.

(e) *Revocation and amendment.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 21, 1946.

Issued June 21, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11903; Filed, July 9, 1946;
11:39 a. m.]

[Region III Order G-74 Under RMPR 122,
Amtd. 2]

SOLID FUELS IN CLEVELAND REGION

For the reasons stated in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, it is hereby ordered, That Order No. G-74 under Revised Maximum Price Regulation No. 122 (Solid Fuels Sold and Delivered by Dealers—Basic Order for Area Pricing of Coal in Region III) be and the same is hereby amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) *What this order does.* This basic order puts into one document the provisions common to all area orders establishing dollars - and - cents maximum prices for solid fuels issued by the Regional Administrator of Region III of the Office of Price Administration. The orders issued pursuant to and under the authority of the provisions of this basic order are referred to herein as "adopting orders" and, when issued, will expressly adopt the applicable provisions of this order. These provisions will be applicable only to the area and transactions specified in such adopting orders.

2. Paragraph (f) is amended to read as follows:

(f) *Adjustments in selling price.*—(1) *Adjustments on solid fuels from new supply source allocated by Solid Fuels Administration for War.* In the event the Solid Fuels Administrator for War allocates to the area covered by an ap-

plicable adopting order a solid fuel, previously handled by a particular dealer, from a new source of supply having a different delivered cost, such dealer, upon purchasing such solid fuel for sale to consumers, shall adjust his maximum selling price established by such adopting order by increasing or decreasing the same (as the case may be) by an amount not to exceed the difference between the respective delivered costs of solid fuel from the new source of supply and from the normal (old) source of supply. Before making any sales at prices so adjusted, the dealer shall file a report in duplicate with the District Office of the Office of Price Administration having jurisdiction of the area in which his place of business is located. Each report thus filed shall set forth the following:

(i) The size and kind of solid fuel purchased from the new supply source;

(ii) The normal source of his supply of that size and kind of solid fuel including mine index number, where applicable; cost (per ton) f. o. b. supplier's shipping point; and the freight cost (per ton).

(iii) The new supply source of that size and kind of solid fuel including mine index number, where applicable; cost (per ton) f. o. b. supplier's shipping point; and the freight cost (per ton).

(iv) The difference between the delivered cost (mine cost plus freight) of the solid fuel from the normal source of supply and the delivered cost of the solid fuel from the new source of supply, both on a per ton basis and on the basis of such quantities of less than one ton as are customarily sold by the dealer.

(2) *Adjustments on customary sizes of coal where an individual mine price increase is granted under Maximum Price Regulation No. 112 and Maximum Price Regulation No. 120.* (i) Whenever an individual mine price increase is granted under Maximum Price Regulation 112 or Maximum Price Regulation No. 120, thus increasing the f. o. b. mine cost, a dealer purchasing such coal for resale to consumers may increase his maximum selling price, established by the applicable Adopting Order, by an amount not to exceed such mine price increase. Before making any sales at prices so adjusted, the dealer shall file a report in duplicate with the District Office of the Office of Price Administration having jurisdiction of the area in which his place of business is located. Such report thus filed shall set forth the following:

(a) The name of the producer, mine index number and producing district;

(b) The Office of Price Administration Order Number granting the mine price increase the date of the order;

(c) The size or sizes of coal purchased by the dealer from the mine to which the adjustment has been granted;

(d) The new f. o. b. mine price for each size and the freight rate per ton;

(e) The amount of the increase for each size of coal;

(f) The new selling price for each class of customer. The amount of the increase reflected in such new selling price shall not exceed the amount of the increase granted the mine.

(ii) The provisions of subparagraph (i) of this paragraph (f) (2) shall apply

to all individual mine price increases granted on and after January 1, 1944.

(3) *District wide mine price increases granted under Maximum Price Regulation No. 112 and Maximum Price Regulation No. 120.* (i) Whenever a producing district wide mine price increase is granted under Maximum Price Regulation No. 112 or Maximum Price Regulation No. 120, increasing the f. o. b. mine price of solid fuel produced in such district, a dealer purchasing solid fuel from such district for resale to consumers may thereupon increase his maximum selling price, established by the applicable Adopting Order, by an amount not to exceed such mine price increase.

(ii) The provisions of subparagraph (i) of this paragraph (f) (3) shall apply to producing district wide mine price increases granted on and after September 19, 1945.

(4) *Price increases on solid fuels produced at a coke oven or briquette plant.*

(i) Whenever an increase is granted by the Office of Price Administration in the producer's selling price of coke or briquettes, f. o. b. a coke oven or a briquette plant, a dealer purchasing such coke or briquettes for resale to consumers may increase his maximum selling price, established by the appropriate adopting order, by an amount not to exceed such increase in the producer's selling price.

(ii) The provisions of paragraph (i) of this paragraph (f) (4) shall apply to increases in the producer's selling price of coke and briquettes granted on and after September 19, 1945.

(5) *Special orders.* In order to reflect in the maximum prices provided by this basic order, and adopting orders issued hereunder, the effect of amendments, revisions or changes in Revised Maximum Price Regulation No. 122, the Regional Administrator may issue special orders under this subparagraph providing for certain increases or decreases of such maximum prices.

(6) *Amendment, correction and modification of adjusted prices.* The Regional Administrator may, at any time, amend, correct or modify any maximum price adjusted under the provisions of this paragraph (f).

This amendment shall become effective June 21, 1946.

Issued June 21, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11906; Filed, July 9, 1946;
11:39 a. m.]

[Region III Order G-113 Under Gen.
Order 68]

CONCRETE BLOCKS IN INDIANAPOLIS, IND., AREA

For the reasons set forth in an accompanying opinion, which has been filed with the Division of the Federal Register, and pursuant to the provisions of General Order No. 68 and of Regional Basic Order No. 1-B under General Order No. 68, this order is issued:

SECTION 1. *What this order does.* This adopting order establishes dollars-and-

cents maximum prices for the concrete blocks listed in Table I, hereof, when sold at retail at or from any point within the Indianapolis, Indiana Area.

SEC. 2. *Area covered.* For the purposes of this order, the "Indianapolis, Indiana Area" consists of the Counties of Marion, Boone, Hamilton, Hendricks, Hancock, Morgan, Johnson, and Shelby, in the State of Indiana.

SEC. 3. *Applicability of Basic Order No. 1-B.* All the provisions of Basic Order No. 1-B, consistent with this Adopting Order No. G-113, are hereby adopted by, and incorporated by reference into, this order as though fully rewritten herein. If Basic Order No. 1-B is amended in any respect, all of the provisions of that order, as amended, shall likewise, without other action, be a part of this order.

All persons subject to this adopting order are also subject to, and should read and be familiar with, the provisions of Basic Order No. 1-B.

SEC. 4. *Maximum prices—(a) Price list.* The maximum prices for the concrete block items covered by this order shall be those set forth in Table I, which is annexed to, and made a part of, this

order or the seller's present legally established maximum prices, whichever are higher. Prices lower than the listed maximum prices may, of course, be charged or paid.

(b) *Delivery.* The maximum prices listed in Table I, hereof, in the column headed, "Maximum Price Delivered in Area" include delivery of the listed items to any point within the Indianapolis, Indiana Area.

(c) *Discounts.* The prices listed in Table I, hereof, are subject to the following discounts:

(i) A discount of not less than five percent of the applicable price listed in Table I shall be granted in all sales to contractors.

(ii) A quantity discount of not less than five percent of the applicable price listed in Table I, hereof, or the net price computed under subsection (i), above, as the case may be, shall be granted on sales to all purchasers, other than dealers, of quantities in excess of 100 dollars' value.

This Order No. G-113 shall become effective June 18, 1946.

Issued June 18, 1946.

JOHN F. KESSEL,
Regional Administrator.

TABLE I

Commodity and size (inches)	Shape	Maximum price f. o. b. yard	Maximum price, delivered in area
CONCRETE BLOCKS			
3 x 8 x 16	Solid	\$0.13	\$0.14
3 x 8 x 12	do	.10½	.11½
3 x 8 x 8	do	.07	.08
3 x 8 x 4	Plugs	.04	.05
4 x 8 x 16	Hollow	.10½	.11½
4 x 8 x 12	Solid specials	.13	.14
4 x 8 x 12	Solid	.10½	.11½
4 x 8 x 8	Solid specials	.07	.08
4 x 8 x 4	Plugs	.04	.05
6 x 8 x 16	Plain	.13	.15
6 x 8 x 16	Headers	.15	.17
6 x 8 x 16	Specials	.15	.17
6 x 8 x 8	do	.07½	.09½
8 x 8 x 16	Plain	.14	.16
8 x 8 x 16	Specials	.16½	.18½
8 x 8 x 8	do	.08	.10
8 x 8 x 16	Headers	.16½	.18½
8 x 8 x 16	Angle-block, handmade	.20	.31
8 x 8 x 16	Vent-block, handmade	.93	.95
8 x 8 x 12	Three-quarters	.16½	.18½
8 x 8 x 16	Rock face	.16½	.18½
8 x 8 x 16	Rock face specials	.18½	.20½
8 x 8 x 8	do	.09½	.11½
10 x 8 x 16	Plain	.17½	.19½
10 x 8 x 16	Specials	.20	.22
10 x 8 x 8	do	.10	.12
10 x 8 x 18	Corners	.23½	.25½
12 x 8 x 16	Plain	.21	.23
12 x 8 x 16	Specials	.23½	.25½
12 x 8 x 8	do	.11½	.13½
12 x 8 x 12	Bull-nosed column	.29	.31
5 x 8 x 16	Plain	.14	.16
5 x 8 x 16	Specials	.16½	.18½
5 x 12 x 16	Plain	.18½	.20½
5 x 12 x 16	Specials	.21	.23
7 x 16 x 16	Chimney block, 9 in. flue	.76	.78
7 x 16 x 16	Chimney block thimble unit	.93	.95
4 x 8 x 9	Flue-block	.09½	.11½
4 x 8 x 3	do	.11½	.13½
4 x 8 x 17	do	.14	.16
4 x 8 x 13	Flue-block thimble unit	.35	.37
1½ x 8 x 16	Furring-block	.07	.08

Delivery. The maximum prices listed in Table I, above, in the column headed, "Maximum Price Delivered in Area", include delivery of the listed items to any point within the Indianapolis, Indiana Area.

Discounts. The prices listed in Table I, above, are subject to the following discounts:

(i) A discount of not less than five percent of the applicable price listed in Table I shall be granted in all sales to contractors.

(ii) A quantity discount of not less than five percent of the applicable price listed in Table I, above, or the net price computed under subsection (i), above, as the case may be, shall be granted on sales to all purchasers, other than dealers, of quantities in excess of 100 dollars' value.

[F. R. Doc. 46-11890; Filed, July 9, 1946;
11:32 a. m.]

[Little Rock Order G-5 Under Gen. Order 68]

BUILDING MATERIALS IN JEFFERSON COUNTY, ARK.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the provisions of General Order No. 68, it is hereby ordered:

SECTION I. What this order does. This order establishes maximum prices for all retail sales of certain building materials specifically described in Appendix A of this order when such sales are made in the geographical area comprising Jefferson County, Arkansas.

SEC. II. Definition of retail sale. The term "retail sale", as used in this order, means any sale of the building materials covered by this order to an ultimate user or to a contractor who will resell the same on an installed basis.

SEC. III. Maximum prices. Maximum prices for commodities subject to this order are those set forth in Appendix A, which is specifically made a part of this order, subject to the terms and conditions of sale and other limitations set forth therein.

SEC. IV. The relation of this order to other regulations. The maximum prices fixed by this order supersede any maximum prices or price determining method previously established by any other regulation or order issued by the Office of Price Administration for the commodities covered by this order.

SEC. V. Posting. Each seller making sales subject to this order shall post a copy of Appendix A of this order plainly visible to all purchasers in each of his places of business located in the area covered by this order.

SEC. VI. Invoices and notification. Each seller making sales subject to this order shall, if requested by any purchaser of commodities subject hereto, make available to such purchaser for inspection a copy of this order. Each seller covered by this order is required to furnish each purchaser with an invoice at the time of sale, which must contain the following information:

1. Name and address of the purchaser.
2. A description of each commodity sold.
3. The quantity of each commodity sold.
4. The price charged for each commodity sold.
5. The type of sale, whether f. o. b. railroad car, f. o. b. seller's yard or store, delivered to job site in free delivery zone, or delivered outside free delivery zone.
6. If delivery is made outside the seller's free delivery zone, the amount of any delivery charges made stated separately on the invoice.
7. A statement of cash discounts allowed for prompt payment.
8. A separate statement of any amount added for the extension of credit.

Each seller is required to keep a duplicate of such invoice in his place of business, and make it available for inspection by the Office of Price Administration during regular business hours.

SEC. VII. Addition of increase in supplier's prices prohibited. The maximum prices set out by this order may not be

increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the District Director.

SEC. VIII. What this order prohibits. Regardless of any obligation no person shall:

1. Sell, or in the course of trade or business buy, building materials at higher prices than the maximum prices set by this order; but less than the maximum prices may at any time be charged, paid or offered.

2. Obtain higher than maximum prices by:

(i) Making a charge for delivery of building material items delivered within the free delivery zone hereinafter defined;

(ii) Making a charge for delivery outside the free delivery zone in excess of that permitted by this order;

(iii) Making a charge higher than this order authorizes for the extension of credit;

(iv) Failure to give the discounts required by this order for prompt payment;

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the building materials requested by him; or

(vi) Using any other device by which a higher than maximum price is obtained directly or indirectly.

SEC. IX. Enforcement. 1. Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

2. Persons who have any evidence of any violation of this order are urged to communicate with the Little Rock District Office of the Office of Price Administration.

SEC. X. Building materials not covered by this order. There are building materials sold and delivered in the area covered by this order which are not included in, and for which prices are not established in this order. The maximum prices for such building materials, when sold by any person covered by this order, shall continue to be determined under the applicable maximum price regulation. Sellers who are in doubt as to the regulation applicable to such building materials should consult the Little Rock District Office of the Office of Price Administration.

This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 1, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at Little Rock, Arkansas, this 31st day of May 1946.

ROBERT P. HALL,
District Director.

APPENDIX A

Name of item and selling unit	Maximum prices for sales f. o. b. plant, store or delivered within free delivery zone
Asbestos-cement roofing shingles:	
Economy cut, colors other than green (100 sq. ft.)	\$10.00
Economy cut, green (100 sq. ft.)	10.50
Asbestos-cement siding:	
12" x 24" or 27", white, plain (100 sq. ft.)	9.44
12" x 24" or 27", white, glazed (100 sq. ft.)	9.90
12" x 24" or 27", colors (100 sq. ft.)	10.00
Asbestos-cement wallboard:	
3/8" "Flexboard" (sq. ft.)	.16
3/8" all others (sq. ft.)	.114
1/4" (sq. ft.)	.12
1/2" "Flexboard" (sq. ft.)	.12
Asphalt roofing:	
90-lb. mineral surface (roll, 1 sq.)	2.37
Smooth surface, 35-lb. (roll, 1 sq.)	1.22
Smooth surface, 45-lb. (roll, 1 sq.)	1.32
Smooth surface, 55-lb. (roll, 1 sq.)	1.75
Asphalt shingles:	
210-lb. (3-in-1) thickbutt (100 sq. ft.)	5.31
167" hexagon (100 sq. ft.)	4.29
Asphalt or tarred felt:	
15-lb. (roll, 4 sq.)	2.30
30-lb. (roll, 2 sq.)	2.30
Brick:	
Face, rough texture, red (1,000)	35.00
Face, rough texture, buff (1,000)	35.00
Face, smooth, red (1,000)	35.00
Face, smooth, gray (1,000)	35.00
Face, scratch, Acme KR No. 270 (1,000)	35.00
Face, scratch, Acme, KR No. 290 (1,000)	35.00
Fire, 9", straight, super duty (each)	.11
Fire, 9", straight, heavy duty (each)	.105
Fire, 9", straight, standard (each)	.10
Ceiling tile:	
12" x 12" (sq. ft.)	.065
16" x 32" (sq. ft.)	.06
Cement:	
Everet, liquid (100-lb.)	6.00
Keene's (100-lb.)	1.95
Portland, standard, paper bag (94-lb. bag)	.95
Portland, quick setting, cloth (94-lb. bag)	1.05
Portland, white, standard, paper (94-lb. bag)	2.80
Clay drain tile:	
4" (l. ft.)	.105
6" (l. ft.)	.159
Deadening felt:	
3/4-lb. roll (450 sq. ft. roll)	2.85
1-lb. roll (450 sq. ft. roll)	3.28
Fiber Insulation Board:	
3/8" standard lath and board (M s. f.)	41.80
1/2" standard lath and board (M s. f.)	50.00
2 3/8" asphalt sheathing (M s. f.)	55.00
Fire clay, powder (paper bag) 100-lb. bag	1.89
Flue lining:	
4 1/2" x 9" (l. ft.)	.315
9" x 9" (l. ft.)	.415
9" x 13" (l. ft.)	.63
13" x 13" (l. ft.)	.7575
9" x 18" (l. ft.)	.875
13" x 18" (l. ft.)	1.0375
18" x 18" (l. ft.)	1.3875
Gypsum lath, 3/8" (M s. f.)	22.50
Gypsum sheathing, 1/2" (M s. f.)	47.50

APPENDIX A—Continued

Name of item and selling unit	Maximum prices for sales f. o. b. plant, store or delivered within free delivery zone
Gypsum wallboard:	
1/4" (M s. f.)	\$35.00
3/8" (M s. f.)	40.00
1/2" (M s. f.)	45.00
3/8" wood grain interior (M s. f.)	65.00
Insulating plank (M s. f.)	65.00
Lime:	
Finishing, paper bag (50-lb. bag)	.82
Mason's hydrated, paper bag (10-lb. bag)	.25
Mason's hydrated, paper bag (40-lb. bag)	.50
Mason's hydrated, paper bag (50-lb. bag)	.65
Masonry mortar, paper bag (65-lb. bag)	.75
Metal lath:	
2.2-lb. painted diamond mesh (sq. yd.)	.25
2.2-lb. galvanized (sq. yd.)	.28
2.5-lb. painted diamond mesh (sq. yd.)	.27
2.5-lb. galvanized (sq. yd.)	.32
3.4-lb. painted diamond mesh (sq. yd.)	.31
3.4-lb. galvanized (sq. yd.)	.34
2.5-lb. copper bearing (sq. yd.)	.28
3.4-lb. copper bearing (sq. yd.)	.32
2.75-lb. flat rib, painted (sq. yd.)	.31
3.4-lb. 3/8" high rib, painted (sq. yd.)	.34
3.4-lb. 3/8" high rib copper bearing (sq. yd.)	.35
3.4-lb. 3/8" high rib, galvanized (sq. yd.)	.37
Perfatap, 250' roll (roll)	3.00
Plaster:	
Hardwall, paper bag (100-lb. bag)	1.20
Gauging, paper bag (100-lb. bag)	1.55
Moulding, paper bag (100-lb. bag)	1.75
Plastic fire brick, clay (100-lb.)	4.00
Rolled brick corners (l. ft.)	.12
Rolled brick siding (100 sq. ft.)	4.00
Rolled brick soldier course (100 sq. ft.)	4.00
Roofing asphalt:	
25-lb. (25-lb.)	.75
50-lb. (50-lb.)	1.10
100-lb. (100-lb.)	1.50
Screen wire cloth, 18" x 14":	
Black (100 sq. ft.)	4.00
Galvanized (100 sq. ft.)	5.00
Sewer pipe, vitrified clay:	
4" (l. ft.)	.23
6" (l. ft.)	.33
8" (l. ft.)	.50
10" (l. ft.)	.70
12" (l. ft.)	.95
15" (l. ft.)	1.58
18" (l. ft.)	2.20
24" (l. ft.)	3.78
Steel-Tex:	
Exterior (sq. yd.)	.40
Interior (sq. yd.)	.30
Synthetic fiber board:	
Standard density, 3/16" tempered (sq. ft.)	.13
Standard density, 3/16" untempered (sq. ft.)	.10
Hard density, 1/8" tempered (sq. ft.)	.105
Hard density, 1/8" untempered (sq. ft.)	.082
Hard density, 1/8" scored, tempered (sq. ft.)	.123
Thermal Insulation:	
Blankets, paper backed, 2" thick (M s. f.)	55.75
Blankets, paper backed, 4" thick (M s. f.)	75.00
Batts, paper backed, 4" thick (M s. f.)	70.00
Wall coping, vitrified clay:	
9" (l. ft.)	.28
13" (l. ft.)	.41

The following provisions are applicable to all sales of building material items covered by this Appendix A:

1. *Terms of sale.* Maximum prices hereinabove established are subject to the following discounts:

(a) Sellers who were in business in March 1942 shall maintain all customary discounts and allowances, such as cash discounts, county discounts, contractors' discounts and discounts for pick-up by the customer, which they had in effect during March 1942 for each quantity and type of sale made.

(b) For sellers who were not in business during March 1942, the same customary discounts and allowances which their most closely competitive seller who was in business during March 1942 is required to make under the provisions of this order.

2. *Additions for the extension of credit.* The following additions to the maximum prices hereinabove established may be made for the extension of credit beyond thirty (30) days.

(a) Sellers who were in business during March 1942 are permitted to add to prices established hereinabove for the extension of credit beyond a period of thirty (30) days the same additions that they had in effect during March 1942 for the same type and quantity of sale. If no extra charges were made for the extension of credit during March 1942, none may be added.

(b) Sellers who were not in business during March 1942 are permitted to make the same charge for the extension of credit which their most closely competitive seller is permitted to make under the provisions of this order.

3. *"Free delivery zone",* as used in this order, for all sellers located in Jefferson County, Arkansas, shall include all points within a radius of ten (10) miles of the place from which delivery is made.

4. *Additions for delivery outside the free delivery zone.* Where delivery is made outside the free delivery zone but within the area described herein, maximum prices hereinabove listed may be increased by a delivery charge not in excess of 20¢ per mile: *Provided, however,* That the mileage is computed on the basis of the nearest actual highway mileage from the point to which delivery is made to the nearest point located within the free delivery zone herein defined. No charge may be made for return trip.

[F. R. Doc. 46-11889; Filed, June 9, 1946; 11:32 a. m.]

[Region III Order G-2 Under 75 (a)]

WAYNE CREAMERY

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and under the authority delegated to the Regional Administrator by § 1499.75 (a) (9a) of Supplementary Regulation No. 15, it is hereby ordered:

(a) *What this order does.* This order grants an adjustment of the maximum retail and wholesale prices of fluid cream of 19% butterfat content sold in one-pint containers by the Wayne Creamery of Detroit, Michigan (hereinafter called the distributor). It also provides an adjustment in the maximum prices of resellers of such fluid cream purchased from the distributor.

(b) *Maximum prices.* On and after the effective date of this order, the maximum prices at which the distributor may sell fluid cream of 19% butterfat content in one-pint containers shall be as follows:

Type of Sale and Adjusted Maximum Prices

Wholesale: 25 cents per pint.
Retail: 30 cents per pint.

(c) *Resellers.* Resellers of the commodities specified in paragraph (b) hereof may increase their maximum prices by the same dollar-and-cents amount by which their supplier's maximum prices are increased, pursuant to the provisions hereof.

(d) *Relationship to other regulations and orders.* Except as herein specifically provided otherwise, the provisions of General Maximum Price Regulation shall apply to all sales of fluid cream covered hereby.

(e) *Notification.* At the time of or prior to the first sale and/or delivery, after the effective date of this order, of the commodities covered hereby to any purchaser for resale, all sellers covered hereby shall notify such purchasers of the adjustment permitted hereby and of the provisions of this order affecting resellers.

(f) *Definitions.* Except as the context otherwise requires, all definitions contained in General Maximum Price Regulation and § 1499.75 (a) (9a) of Supplementary Regulation No. 15 shall apply to all terms used herein.

(g) *Amendment and revocation.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 14, 1946.

Issued June 14, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11914; Filed, July 9, 1946; 11:42 a. m.]

[Region III Order G-3 Under 75 (a)]

BROWN'S CREAMERY CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and under the authority delegated to the Regional Administrator by § 1499.75 (a) (9a) of Supplementary Regulation No. 15, it is hereby ordered:

(a) *What this order does.* This order grants an adjustment of the maximum retail and wholesale prices of fluid cream of 19% butterfat content sold in one-pint containers by the Brown's Creamery Company of Detroit, Michigan (hereinafter called the distributor). It also provides an adjustment in the maximum prices of resellers of such fluid cream purchased from the distributor.

(b) *Maximum prices.* On and after the effective date of this order, the maximum prices at which the distributor may sell fluid cream of 19% butterfat content in one-pint containers shall be as follows:

Type of Sale and Adjusted Maximum Prices

Wholesale: 25 cents per pint.
Retail: 30 cents per pint.

(c) *Resellers.* Resellers of the commodities specified in paragraph (b) hereof may increase their maximum prices by the same dollar-and-cents

amount by which their supplier's maximum prices are increased, pursuant to the provisions hereof.

(d) *Relationship to other regulations and orders.* Except as herein specifically provided otherwise, the provisions of General Maximum Price Regulation shall apply to all sales of fluid cream covered hereby.

(e) *Notification.* At the time of or prior to the first sale and/or delivery, after the effective date of this order, of the commodities covered hereby to any purchaser for resale, all sellers covered hereby shall notify such purchasers of the adjustment permitted hereby and of the provisions of this order affecting resellers.

(f) *Definitions.* Except as the context otherwise requires, all definitions contained in General Maximum Price Regulation and § 1499.75 (a) (9a) of Supplementary Regulation No. 15 shall apply to all terms used herein.

(g) *Amendment and revocation.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 14, 1946.

Issued June 14, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11913; Filed, July 9, 1946; 11:41 a. m.]

[Region III Order G-4 Under 75 (a)]

IRA WILSON AND SONS DAIRY CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and under the authority delegated to the Regional Administrator by § 1499.75 (a) (9a) of Supplementary Regulation No. 15, it is hereby ordered:

(a) *What this order does.* This order grants an adjustment of the maximum retail and wholesale prices of fluid cream of 19% butterfat content sold in one-pint containers by the Ira Wilson and Sons Dairy Company of Detroit, Michigan (hereinafter called the distributor). It also provides an adjustment in the maximum prices of resellers of such fluid cream purchased from the distributor.

(b) *Maximum prices.* On and after the effective date of this order, the maximum prices at which the distributor may sell fluid cream of 19% butterfat content in one-pint containers shall be as follows:

Type of Sale and Adjusted Maximum Prices

Wholesale: 25 cents per pint.
Retail: 30 cents per pint.

(c) *Resellers.* Resellers of the commodities specified in paragraph (b) hereof may increase their maximum prices by the same dollar-and-cents amount by which their supplier's maximum prices are increased, pursuant to the provisions hereof.

(d) *Relationship to other regulations and orders.* Except as herein specifically provided otherwise, the provisions of General Maximum Price Regulation

shall apply to all sales of fluid cream covered hereby.

(e) *Notification.* At the time of or prior to the first sale and/or delivery, after the effective date of this order, of the commodities covered hereby to any purchaser for resale, all sellers covered hereby shall notify such purchasers of the adjustment permitted hereby and of the provisions of this order affecting resellers.

(f) *Definitions.* Except as the context otherwise requires, all definitions contained in General Maximum Price Regulation and § 1499.75 (a) (9a) of Supplementary Regulation No. 15 shall apply to all terms used herein.

(g) *Amendment and revocation.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 14, 1946.

Issued June 14, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11912; Filed, July 9, 1946; 11:41 a. m.]

[Region III Order G-5 Under 75 (a)]

DETROIT PURE MILK CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and under the authority delegated to the Regional Administrator by § 1499.75 (a) (9a) of Supplementary Regulation No. 15, it is hereby ordered:

(a) *What this order does.* This order grants an adjustment of the maximum retail and wholesale prices of fluid cream of 19% butterfat content sold in one pint containers by the Detroit Pure Milk Company of Detroit, Michigan (hereinafter called the distributor). It also provides an adjustment in the maximum prices of resellers of such fluid cream purchased from the distributor.

(b) *Maximum prices.* On and after the effective date of this order, the maximum prices at which the distributor may sell fluid cream of 19% butterfat content in one pint containers shall be as follows:

Type of Sale and Adjusted Maximum Prices

Wholesale: 25 cents per pint.
Retail: 30 cents per pint.

(c) *Resellers.* Resellers of the commodities specified in paragraph (b) hereof may increase their maximum prices by the same dollar-and-cents amount by which their supplier's maximum prices are increased, pursuant to the provisions hereof.

(d) *Relationship to other regulations and orders.* Except as herein specifically provided otherwise, the provisions of General Maximum Price Regulation shall apply to all sales of fluid cream covered hereby.

(e) *Notification.* At the time of or prior to the first sale and/or delivery, after the effective date of this order, of the commodities covered hereby to any purchaser for resale, all sellers covered hereby shall notify such purchasers of

the adjustment permitted hereby and of the provisions of this order affecting resellers.

(f) *Definitions.* Except as the context otherwise requires, all definitions contained in General Maximum Price Regulation and § 1499.75 (a) (9a) of Supplementary Regulation No. 15 shall apply to all terms used herein.

(g) *Amendment and revocation.* This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective June 14, 1946.

Issued June 14, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11911; Filed, July 9, 1946; 11:41 a. m.]

[Region III Order G-5 Under SO 142, Amdt. 1]

ADAPTI CO. ET AL.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 2 of Supplementary Order No. 142 and the Emergency Price Control Act of 1942, as amended, it is ordered that Order No. G-5 under section 2 of Supplementary Order No. 142 be and the same is hereby amended in the following respects:

1. Paragraph (c) (1) is amended to read as follows:

(c) *Reseller's adjusted maximum prices.* (1) Any reseller of the products for which adjustment is granted the manufacturer in (b) above may add to his maximum prices in effect immediately prior to December 27, 1945, to each class of purchaser, the actual percentage amount of increase in cost to him resulting from the increase granted the manufacturer by this order.

2. Paragraph (d) is amended to read as follows:

(d) *Notification.* The manufacturer shall, prior to the first billing after the adjustment is put into effect, notify every purchaser in writing of the products covered by this order of the amount of increase granted by this order. Such notification shall substantially contain the following:

Order No. G-5 under section 2 of Supplementary Order No. 142 provides for a certain specified percentage increase in the net prices for the entire line of service entrance caps and ells manufactured by the Adapti Company.

Resellers may add to their maximum prices in effect immediately prior to December 27, 1945 the actual percentage amount of increase in cost resulting from the increase granted the manufacturer by this order.

This amendment No. 1 shall become effective June 12, 1946.

Issued June 12, 1946.

JOHN F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11909; Filed, July 9, 1946; 11:40 a. m.]

[Region III Order G-13 Under Gen. Order 68, Amdt. 1]

STOCK MILLWORK IN PORTSMOUTH, OHIO, AREA

For the reasons set forth in an accompanying opinion and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by General Order No. 68, *It is hereby ordered:*

(a) That section 4 (b) of Order No. G-13 be amended to read as follows:

(b) The prices set out in Table I, hereof, are base prices for sales to ultimate users and are subject to the following conditions:

(1) For all sales made to bona fide "re-sellers on an installed basis", a discount of not less than 2% of the net invoice shall be allowed for payment on or before the tenth of the calendar month following the date of delivery. This discount shall not apply on sales quoted and sold on a contract basis;

(2) Sellers covered hereby may add to the maximum prices listed in Table I, hereof, the exact amount of their suppliers' increases in price pursuant to Amendment No. 16 to Revised Maximum Price Regulation No. 293, provided such sellers list such price increases with their District Offices of the Office of Price Administration before selling at such increased prices.

(b) That the price lists for Fir Glass Doors (No. 2 Quality), Fir Panel Doors, and Garage Doors contained in Table I of Order No. G-13 be amended to read as set forth in the price lists for these items which are attached hereto¹ and made a part of this amendment.

This Amendment No. 1 to Order No. G-13 shall become effective June 12, 1946.

Issued June 12, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11897; Filed, July 9, 1946; 11:36 a. m.]

[Region III Order G-34 Under Gen. Order 68, Amdt. 1]

STOCK MILLWORK IN TROY, OHIO, AREA

For the reasons set forth in an accompanying opinion and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by General Order No. 68, *It is hereby ordered:*

(a) That section 5 (c) of Order No. G-34 be amended to read as follows:

(c) The prices set out in Table I hereof, are base prices for sales to ultimate users and are subject to the following conditions.

(1) For all sales made to bona fide "re-sellers on an installed basis", a discount of not less than 2% of the net invoice for payment on or before the tenth of the calendar month following the date of delivery. This discount shall not apply on sales quoted and sold on a contract basis.

¹ Filed as part of original document.

(2) Sellers covered hereby may add to the maximum prices listed in Table I hereof the exact amount of their suppliers' increases in price pursuant to Amendment No. 16 to Revised Maximum Price Regulation No. 293, provided such sellers list such price increases with their District Offices of the Office of Price Administration before selling at such increased prices.

(b) That the price lists for Fir Glass Doors (No. 2 Quality), Fir Panel Doors, and Garage Doors contained in Table I of Order No. G-34 be amended to read as set forth in the price lists for these items which are attached hereto¹ and made a part of this amendment.

This Amendment No. 1 to Order No. G-34 shall become effective June 12, 1946.

Issued June 12, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11891; Filed, July 9, 1946; 11:32 a. m.]

[Region III Order G-18 Under Gen. Order 68, Amdt. 1]

STOCK MILLWORK IN WILMINGTON, OHIO AREA

For the reasons set forth in an accompanying opinion and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by General Order No. 68, *It is hereby ordered:*

(a) That section 4 (b) of Order No. G-18 be amended to read as follows:

(b) The prices set out in Table I, are base prices for sales to ultimate users and are subject to the following conditions:

(1) For all sales made to bona fide "re-sellers on an installed basis", a discount of not less than 2% of the net invoice for payment on or before the tenth of the calendar month following the date of delivery. This discount shall not apply on sales quoted and sold on a contract basis;

(2) Sellers covered hereby may add to the maximum prices listed in Table I, hereof, the exact amount of their suppliers' increases in price pursuant to Amendment No. 16 to Revised Maximum Price Regulation No. 293, provided such sellers list such price increases with their District Offices of the Office of Price Administration before selling at such increased prices.

(b) That the price lists for Fir Glass Doors (No. 2 Quality), Fir Panel Doors, and Garage Doors contained in Table I of Order No. G-18 be amended to read as set forth in the price lists for these items which are attached hereto¹ and made a part of this amendment.

This Amendment No. 1 to Order No. G-18 shall become effective June 12, 1946.

Issued June 12, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11895; Filed, July 9, 1946; 11:35 a. m.]

[Region III Order G-22 Under Gen. Order 68, Amdt. 1]

STOCK MILLWORK IN NEWARK-ZANESVILLE, OHIO AREA

For the reasons set forth in an accompanying opinion and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by General Order No. 68, *It is hereby ordered:*

(a) That section 4 (b) of Order No. G-22 be amended to read as follows:

(b) The prices set out in Table I hereof, are base prices for sales to ultimate users and are subject to the following conditions:

(1) A discount of not less than 10% of these prices shall be granted to all bona fide purchasers for "resale on an installed basis" when buying in house lots regardless of the time and method of delivery by the seller;

(2) A discount of not less than 5% of these prices shall be granted to all bona fide purchasers for "resale on an installed basis" when buying in less than house lots;

(3) For all sales made to bona fide "re-sellers on an installed basis", a discount of not less than 2% of the net invoice shall be granted for payment on or before the tenth of the calendar month following the date of delivery. This discount shall not apply on sales quoted and sold on a contract basis.

(4) Sellers covered hereby may add to the maximum prices listed in Table I hereof the exact amount of their suppliers' increases in price pursuant to Amendment No. 16 to Revised Maximum Price Regulation No. 293, provided such sellers list such price increases with their District Offices of the Office of Price Administration before selling at such increased prices.

(b) That the price lists for Fir Glass Doors (No. 2 Quality), Fir Panel Doors, and Garage Doors contained in Table I of Order No. G-22 be amended to read as set forth in the price lists for these items which are attached hereto¹ and made a part of this amendment.

This Amendment No. 1 to Order No. G-22 shall become effective June 12, 1946.

Issued June 12, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11894; Filed, July 9, 1946; 11:35 a. m.]

[Region III Order G-23 Under Gen. Order 68, Amdt. 1]

STOCK MILLWORK IN COLUMBUS, OHIO, AREA

For the reasons set forth in an accompanying opinion and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by General Order No. 68, *it is hereby ordered:*

(a) That section 4 (b) of Order No. G-23 be amended to read as follows:

(b) The prices set out in Table I, hereof, are base prices for sales to ultimate

users and are subject to the following conditions:

(1) A discount of not less than 5% of these prices shall be granted to all bona fide purchasers for "resale on an installed basis" when buying in less than house lots;

(2) A discount of not less than 10% of these prices shall be granted to all bona fide purchasers for "resale on an installed basis" when buying in house lots regardless of the time and method of delivery by the seller;

(3) For all sales made to bona fide "resellers on an installed basis", a discount of not less than 2% of the net invoice for payment on or before the tenth of the calendar month following the date of delivery. This discount shall not apply on sales quoted and sold on a contract basis.

(4) Sellers covered hereby may add to the maximum prices listed in Table I, hereof, the exact amount of their suppliers' increases in price pursuant to Amendment No. 16 to Revised Maximum Price Regulation No. 293, provided such sellers list such price increases with their District Office of the Office of Price Administration before selling at such increased prices.

(b) That the price lists for Fir Glass Doors (No. 2 Quality), Fir Panel Doors, and Garage Doors contained in Table I of Order No. G-27 be amended to read as set forth in the price lists for these items which are attached hereto¹ and made a part of this amendment.

This Amendment No. 1 to Order No. G-23 shall become effective June 12, 1946.

Issued June 12, 1946.

J. F. KESSEL,
Regional Administrator.

[F. R. Doc. 46-11893; Filed, July 9, 1946;
11:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-439]

NATIONAL AVIATION CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of July A. D. 1946.

National Aviation Corporation, a registered investment company, has filed an application pursuant to section 10 (f) and 17 (b) of the Investment Company Act of 1940 for an order of exemption from the provisions of sections 10 (f) and 17 (a) of said act so as to permit the applicant to purchase from Hornblower & Weeks, 40 Wall Street, New York, New York, or Paine, Webber, Jackson & Curtis, 25 Broad Street, New York, New York, or any other underwriter of Common Stock to be issued by National Airlines, Inc., not to exceed 5,000 shares of such common stock at the public offering price thereof. Certain directors of the applicant are affiliated persons of either Hornblower & Weeks or of

¹ Filed as part of original document.

Paine, Webber, Jackson & Curtis, which are members of the syndicate which proposes to underwrite the common stock to be issued by National Airlines, Inc.

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on July 19, 1946 at 10:00 o'clock in the forenoon of that day in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such application. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11963; Filed, July 10, 1946;
11:13 a. m.]

[File No. 70-1315]

AMERICAN POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 2d day of July A. D. 1946.

American Power & Light Company ("American"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration pursuant to sections 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 regarding the following proposed transactions:

The Washington Water Power Company ("Washington"), a public utility subsidiary of American has outstanding 2,541,800 shares of no par common stock having a stated value of \$10 per share including 2,430 shares issuable for 243 shares of \$100 par value stock. American owns approximately 99.7% of such stock and desires to acquire the minority interest in order to facilitate future steps it proposes to take to meet the requirements of section 11 of the Public Utility Holding Company Act of 1935. To this end American in May 1946, acting through a broker, undertook to purchase under the exemption afforded by paragraph (a) (6) of Rule U-40 of the rules and regulations promulgated pursuant to said act, such stock as was owned by the general public, offering \$18 for each share of no par common stock and \$180 for each share of common stock of the par value of \$100 per share. Under this offer 3,230 shares, approximately 42% of the minority interest, have so far been acquired. In making such offer American agreed that if within three years from

May 7, 1946, it should resell any shares purchased at prices in excess of the prices stated above, or should purchase from any other holder of common stock any shares thereof at prices in excess of prices stated above, the maximum excess over the above prices so received or paid by American would be paid to all sellers for each share purchased as a result of the offer, with appropriate adjustments for contributions, if any, made after May 7, 1946 by American to Washington. Any distribution of Washington's common stock to American's stockholders was not to be considered a sale within the meaning of the foregoing.

American is informed that 490 shares of no par common stock of such minority interest are owned by officers and directors of Washington and states that by reason of the positions held by such officers and directors they are, under the Public Utility Holding Company Act of 1935, affiliates of Washington. American states further that the acquisition by it of said shares of common stock of Washington from such officers and directors is not within the exemption provided by paragraph (a) (6) of Rule U-40. American accordingly requests authority, in the present filing, to acquire such shares from such officers and directors for the consideration and on the basis set forth above. Such consideration would amount to a total of \$8,820 for the 490 shares held by said officers and directors.

Said declaration having been filed on the 6th day of June 1946, and a notice of said filing having issued on the 17th day of June 1946, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11964; Filed, July 10, 1946;
11:13 a. m.]

[File No. 70-1267]

OHIO EDISON CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission held at its

office in the City of Philadelphia, Pa., on the third day of July A. D. 1946.

The Commission having by order dated June 17, 1946 permitted to become effective a declaration filed by Ohio Edison Company, a registered holding company and a subsidiary of The Commonwealth & Southern Corporation, also a registered holding company, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935, regarding the issue and sale, in accordance with the competitive bidding requirements of Rule U-50, of 204,153 shares of common stock with a par value of \$8 per share; and having by said order reserved jurisdiction over the legal fees and expenses of all counsel in connection with the proposed transaction; and

Counsel concerned having filed statements with respect to services performed in connection with the transaction, and it appearing to the Commission that the fee of Winthrop, Stimson, Putnam and Roberts, counsel for Ohio Edison Company, in the amount of \$10,000, and the fee of Simpson, Thacher and Bartlett, counsel for the underwriters, in the amount of \$5,000, are not unreasonable, and that jurisdiction over such matters should be released:

It is ordered, That jurisdiction heretofore reserved over the payment of the legal fees and expense of counsel in connection with the above transaction be, and hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11965; Filed, July 10, 1946;
11:13 a. m.]

[File No. 54-146]

PORTLAND GAS & COKE CO.
ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 2d day of July A. D. 1946.

Portland Gas & Coke Company ("Portland"), a gas utility subsidiary of American Power & Light Company, a registered holding company, having filed pursuant to section 11 (e) and other applicable sections of the Public Utility Holding Company Act of 1935 a plan designed to enable it to meet the standards of section 11 (b) of the act, and as an initial step of said plan having filed an application and amendments thereto pursuant to section 6 (b) of the act for exemption from the provisions of section 6 (a) and 7 of the act of the issue and sale, in accordance with Rule U-50 promulgated under said act, of \$10,000,000 principal amount of --% First Mortgage Bonds, due 1976, and the issue and private sale of \$500,000 principal amount of promissory notes, payable in 10 equal semi-annual installments beginning six months after issue, said notes to be sold at par and bear interest at the rate of 1 3/4% per annum, and the use of the proceeds of such sales for the redemption of First and Refunding Gold Bonds, First Lien and General Mortgage Gold Bonds, and First Mortgage Gold Bonds of Port-

land Gas Company (assumed by Portland), presently outstanding, and for the construction of new facilities; and

A public hearing having been held on such application after appropriate notice and the Commission having considered the record and filed its findings therein:

It is ordered, That said application, as amended, be, and the same hereby is, granted, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

1. That Portland obtain from the Public Utilities Commissioner of Oregon, prior to the consummation of the issue and sale, a certificate of authority expressly authorizing the issue of the --% First Mortgage Bonds, due 1976.

2. That jurisdiction be reserved with respect to the price to be paid to Portland for the bonds, the interest rate thereon, the redemption prices thereof, the underwriters' spread and its allocation, and all legal fees to be paid in connection with the proposed issuance and sale of securities.

It is further ordered, That the ten-day period for inviting bids, as provided for in Rule U-50, be, and the same hereby is, shortened to a period of not less than seven days.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11966; Filed, July 10, 1946;
11:13 a. m.]

[File Nos. 59-20, 59-8, 54-75]

COMMONWEALTH & SOUTHERN CORP. (DEL.)
ET AL.

NOTICE OF FILING OF PLANS AND NOTICE OF
AND ORDER RECONVENING HEARINGS IN CON-
SOLIDATED PROCEEDINGS TO CONSIDER
PLANS HERETOFORE OR HEREAFTER FILED

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of July A. D. 1946.

In the matters of The Commonwealth & Southern Corporation (Delaware), Respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware) and its subsidiary companies, Respondents, File No. 59-8; The Commonwealth & Southern Corporation (Delaware), File No. 54-75.

The Commission having by order dated April 9, 1942, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, directed The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, to change its capitalization to one class of stock, namely, common stock;

Commonwealth having filed a petition for review of the said order dated April 9, 1942 in the United States Circuit Court of Appeals for the Third Circuit; and said Court having on March 31, 1943 affirmed the order of the Commission;

The Commission having on June 30, 1945 (Holding Company Act Release No. 5895) approved a plan of recapitalization, submitted by Commonwealth under sec-

tion 11 (e), which provided for a distribution of the common stocks of Commonwealth's northern subsidiaries (Consumers Power Company, Central Illinois Light Company, Southern Indiana Gas and Electric Company and Ohio Edison Company which owns all of the common stock of Pennsylvania Power Company) and of new common stock of Commonwealth on the basis of 85% thereof to the preferred-stock holders and 15% to the common-stock holders of Commonwealth, and provided also for a favorable vote of stockholders on the plan as a condition to enforcement thereof by a Federal District Court;

The Commission having on November 1, 1945 modified its order of June 30, 1945 so as to approve the plan on condition that the provision for a stockholders' vote be deleted within 15 days;

Commonwealth on November 9, 1945 having filed certain modifications of such plan of recapitalization providing for the deletion of the provision for a stockholders' vote upon the express condition that the Commission approve further substantial amendments of the plan;

The Commission, by memorandum opinion dated January 24, 1946, having concluded that prima facie the proposed modifications did not appear to have sufficient merit to warrant the scheduling of hearings thereon, and having determined that it appeared appropriate to withhold further proceedings for a period of thirty days (subsequently extended to sixty days) during which time an opportunity would be afforded to Commonwealth and to any person having a bona fide interest in the reorganization to file a plan for compliance with the Commission's order of April 9, 1942 based upon the principle of retiring the preferred stock through the sale or other disposition of assets;

Notice is hereby given that Commonwealth has filed with the Commission a plan for compliance with sections 11 (b) (1) and 11 (b) (2) of the act, and has submitted in connection therewith an outline of various transactions proposed to be carried out by Commonwealth and certain of its subsidiary companies as part of a general program, which transactions are not, however, included in the plan.

Pursuant to the Commission's memorandum opinion of January 24, 1946, proposed plans or suggestions therefor involving action by Commonwealth and/or its subsidiaries have also been filed with the Commission by three other persons purporting to have a bona fide interest in the reorganization, namely:

1. Alfred J. Snyder, Elizabeth C. Lowmsbury and William H. Brantley, Jr., as common stockholders of Commonwealth and counsel for other common stockholders.

2. Investment Associates, Inc., of New York, N. Y., representing itself as a holder of 32,000 shares of common stock.

3. Albert Shassol, of New York, N. Y., a common stockholder of Commonwealth.

All interested persons are referred to such plans or suggestions therefor, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

I. Commonwealth's general program and plan. Commonwealth's proposed plan, which is filed under section 11 (e) of the act, contemplates the dissolution of Commonwealth and the distribution of its assets among the holders of its preferred stock and its common stock as liquidating dividends or in exchange for their stocks. The stated objective of the plan is to make the northern operating subsidiaries of Commonwealth independent companies whose common stocks will be widely distributed and held by the public. In connection with this plan it is proposed that certain of the subsidiary companies be provided with additional equity capital to enable them to carry out construction programs which are contemplated. Commonwealth also proposes to organize a new company known as "The Southern Company" to which the common stocks of Commonwealth's southern subsidiaries will be transferred, such new company to continue as a holding company with a single class of stock.

It is proposed that these objectives be accomplished in part through a series of transactions which will be independent of the proposed plan and, in part, through the steps proposed in the plan itself.

General program. As a part of its general program referred to hereinabove, and irrespective of the approval of the plan, it is proposed that Commonwealth and two of its subsidiary companies shall take the following steps:

(a) Consumers Power Company proposes to issue 3,623,432 shares of its common stock to Commonwealth in exchange for the 1,811,716 shares now owned by it and to issue and sell publicly for cash, pursuant to the competitive bidding requirements of the Commission, such number of additional shares of such common stock as will produce net cash proceeds to the company in the amount of \$20,000,000. It is estimated that it will take between 400,000 and 800,000 shares to realize that amount.

(b) Ohio Edison Company proposes to issue and sell publicly for cash, pursuant to competitive bidding, the 204,153 authorized but unissued shares of its common stock. (A public hearing upon such proposal was scheduled for and held on June 5, 1946, Holding Company Act Release Nos. 6566 and 6596.)

(c) Commonwealth proposes to transfer the common stocks of its southern operating companies to a new corporation to be known as "The Southern Company" which will have an authorized capitalization of 15,000,000 shares of common stock with a par value of \$5 per share, in exchange for 9,900,000 shares of such common stock. It is then proposed that The Southern Company will issue and sell publicly for cash at competitive bidding a sufficient number of additional shares of its common stock to realize approximately \$10,000,000 and will invest the proceeds in the common stocks of Alabama Power Company, Georgia Power Company and South Carolina Power Company.

Commonwealth proposes to list the common stocks of Consumers Power Company, Ohio Edison Company and

The Southern Company on the New York Stock Exchange.

It is proposed that the foregoing steps shall be carried out as soon as practicable, subject to the approval of the Commission in appropriate proceedings. Commonwealth anticipates these steps will take approximately six months to complete.

Commonwealth further proposes, irrespective of the approval of the plan, to offer for sale, on a negotiated basis or at competitive bidding or on invitation for tenders or otherwise, in exchange for shares of Commonwealth's Preferred Stock, the common stocks of Southern Indiana Gas and Electric Company and Central Illinois Light Company. Commonwealth contemplates that it will accept the proposal which will result in its acquiring the greatest number of shares of its Preferred Stock, such stock to be cancelled and retired. The aforesaid exchanges will be subject to the approval of this Commission in appropriate proceedings.

Commonwealth's proposed plan. The steps proposed in Commonwealth's plan are as follows:

1. As soon as practicable after the effective date of the plan, Commonwealth will proceed to liquidate by making distributions of its assets in kind first to the holders of its outstanding preferred stock and then to the holders of its outstanding common stock. In determining the value of the common stocks to be distributed, Commonwealth will take the average of the closing prices on the three days ending with the day on which the liquidating dividend or dividends are declared, and the holders of the preferred stock of Commonwealth will be entitled to receive stocks having a value so determined equal to the amount payable in the event of liquidation, namely, \$100 per share plus an amount equal to accrued dividends to the date of distribution.

2. In case any liquidating dividend is declared on the preferred stock which is not sufficient to pay such amount in full, then the amount of the liquidating dividend shall be applied, first, to the accrued dividends on the Preferred Stock and the balance on account of the stated value thereof. Dividends will thereafter accrue at the rate of 6% per annum on the unpaid portion of the stated value and no dividends will accrue on account of the portion so paid. Notwithstanding the foregoing provisions for making distributions of assets in kind to holders of preferred stock, Commonwealth reserves the right, subject to the approval of the Commission, to make sales of assets at any time or from time to time after the effective date of the plan and to pay to the holders of the preferred stock a liquidating dividend or dividends in cash.

3. After payment to Commonwealth's preferred stockholders, in cash or in kind, of the full amount to which they are entitled in the event of liquidation, the common stocks of subsidiaries which have not been previously distributed will be distributed to the holders of the outstanding common stock. Commonwealth will then deliver its remaining net assets

to The Southern Company and will dissolve.

4. The payment of liquidating dividends will be made only upon surrender of stock certificates for stamping in event of a partial distribution or for cancellation in event of a final distribution.

5. In the event that such certificates are not surrendered within one year from the date of a distribution, the common stocks to which holders of such certificates would be entitled will be sold in the open market, in accordance with such terms as may be prescribed by the Commission. The proceeds therefrom, together with any dividends paid on such shares during such period, less expenses, will be held for such further period as the Commission may prescribe for the benefit of and for payment to the holders of preferred or common stock, as the case may be, payable according to the respective rights thereof.

6. Commonwealth requests that this Commission, if it approves the proposed plan, shall include in its order an appropriate finding to the effect that holders of Commonwealth's preferred stock are entitled to receive the amount constituting the liquidation preference of such stock, namely \$100 per share and accrued dividends. However, if this conclusion is contested and the consummation of the plan might be subject to delay, Commonwealth requests that appropriate provision be made to carry out the plan subject to a final decision of this question.

7. At any time prior to the payment to holders of Commonwealth's outstanding deferred stock of the full amount to which they are entitled in event of liquidation, Commonwealth may, subject to the approval of the Commission, offer to holders of units consisting of 250 shares of common stock and of substantially that percentage of the outstanding preferred stock which 250 bears to the total number of outstanding common shares, the privilege for a limited period, upon the surrender of such certificates, of exchanging such shares for their pro rata share of the common stocks then owned by Commonwealth. This provision of the plan is designated by Commonwealth as an "Optional Pro Rata Exchange".

8. Any stockholder receiving a distribution or making an exchange will, upon the surrender of his certificates during the period provided therefor, be entitled to receive an amount in cash equal to the dividends received on the common stocks to which he is entitled from the first day of the period in question.

9. No fractional shares of common stock to be distributed or exchanged will be issued but, in lieu thereof, there will be issued non-dividend bearing and non-voting scrip which, if surrendered within such period as the Commission may prescribe, in amounts aggregating one or more full shares, will entitle the holders to receive the full shares represented thereby, together with any dividends received on such shares, after deduction of expenses. As soon as practicable after the expiration of the designated period, the shares represented by outstanding scrip will be sold, and the proceeds together with any dividends paid on such shares during such period, less expenses,

will be held for such further period as the Commission may prescribe for the benefit of and for payment to the holders of scrip certificates, upon surrender thereof.

10. All expenses incident to the distribution of common stocks and scrip will be paid by Commonwealth, and all expenses incident to holding such common stocks, or the sale thereof, or the receipt or holding of dividends thereon, or the distribution of the proceeds of sale thereof, will be paid out of such dividends and proceeds from time to time.

11. Any cash remaining undistributed to holders of Commonwealth's preferred or common stock or to holders of scrip who have not surrendered their stock certificates or scrip as aforesaid will become the property of The Southern Company and the holders of such stock certificates or scrip will have no right to, or claim against, such funds. This provision, however, is subject to the rights of persons entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and certain other statutes and regulations.

12. No provision is made in the plan for the continuance of the rights of Commonwealth's option warrants and, upon dissolution of Commonwealth, such option warrants shall be null and void.

13. Within a reasonable time after not less than 75% of the common stock of any company in the northern group has been disposed of, such company will cancel the existing contract with The Commonwealth & Southern Corporation of New York, a mutual service company, and will surrender the shares of capital stock of the mutual service company now owned by it, against the payment by the mutual service company of the par value thereof of \$100 per share. The southern group of companies, and Commonwealth, until its complete liquidation, will continue the present arrangements with the mutual service company for obtaining services of its personnel and The Southern Company will make a similar arrangement.

14. Commonwealth reserves the right, subject to the approval of the Commission, to retire all or any part of the outstanding preferred stock by making offers of exchange or by redemption or by purchase of shares in the open market or on invitation for tenders and to sell assets or borrow moneys to provide funds for such purpose.

15. The consummation of the plan is subject to the following conditions:

(a) That the order of this Commission approving the plan contains the recitals required by sections 371 (f) and 1808 (f) of the Internal Revenue Code in order to obtain the ruling provided for by paragraph (b) below;

(b) That the Commissioner of Internal Revenue shall have made certain determinations with respect to the extent to which the proposed transactions are taxable under the Internal Revenue Code, as more fully set forth in the plan; and

(c) That a District Court of the United States, upon application by the Commission, shall have issued an appropriate order to enforce and carry out the terms

and provisions of the plan, which order shall no longer be subject to review.

16. As soon as practicable after the Commission has approved the plan and all other conditions precedent to the consummation of the plan have been satisfied, the Board of Directors of Commonwealth shall by resolution declare the plan effective. For all purposes of the plan, the effective date of the plan shall be the date fixed in such resolution.

17. *Snyder plan.* The plan proposed by Alfred J. Snyder and associates provides in substance that Commonwealth shall liquidate by: (a) transferring all the common stocks of its southern subsidiaries to a new company to be known as "the Southern Company," and (b) distributing the common stock of such new company and the common stocks of Commonwealth's northern subsidiaries to Commonwealth's stockholders.

To accomplish this objective the plan provides that a portion of the outstanding common and preferred stocks of Commonwealth shall be reacquired and cancelled, leaving outstanding 33,673,250 shares of common and 1,346,930 shares of preferred stock in the proportion of 25 shares of common for each share of preferred. The plan provides, further, for changing the number of outstanding shares of four of Commonwealth's northern subsidiaries and for the issuance of new stock by The Southern Company in such amount that there will be outstanding for each share of Commonwealth's preferred stock a "unit of assets" consisting of:

4 shares Consumers Power Company common stock.

3 shares Ohio Edison Company common stock.

1 share Central Illinois Light Company common stock.

1 share Southern Indiana Gas and Electric Company common stock.

6 shares The Southern Company common stock.

It is proposed that Commonwealth's assets shall be distributed to its stockholders by two methods, namely, by "Conversion" and by "Exchange."

Conversion will be accomplished by permitting a holder of one share of Commonwealth's preferred and 25 shares of its common stock to surrender such holdings and receive one unit of assets. The Snyder plan contemplates that a holder of either class of Commonwealth's stock may acquire an appropriate number of shares of the other class of stock in order to make the foregoing conversion. The plan also proposes that holders of Commonwealth's common stock shall have the right to make such conversion by liquidating a proportionate amount of Commonwealth's preferred at the liquidating value thereof.

Exchange will be accomplished through the provision that Commonwealth's directors from time to time shall make exchange offers of common stocks of the underlying companies to holders of Commonwealth's preferred stock and to holders of its common stock, the basis for exchange to be determined by current market values. In making such exchanges, the stocks of underlying companies offered in exchange for one share of Com-

monwealth's preferred stock shall have a market value approximating the then liquidating value of such preferred stock. It is provided that Commonwealth's directors shall accept offers of exchange by holders of its preferred and common stock only in proportions which will permit the distribution of whole units of assets.

The Snyder plan provides that upon final approval thereof Commonwealth shall cease to act as a holding company, that it shall hold the common stocks of The Southern Company and its northern subsidiaries in Trust for the purpose of effecting the proposed distributions, and that Commonwealth shall have limited power to vote such shares pending such liquidation. The Snyder plan also provides for giving to holders of Commonwealth's Option Warrants certain rights to subscribe for shares of The Southern Company.

At the expiration of three years from final approval of this Plan, the directors of Commonwealth shall sell so much of the remaining assets as may be necessary to pay the liquidation value of the preferred stock then outstanding. The balance of assets shall be offered in kind, pro rata, to the holders of the common stock then outstanding. All assets not accepted shall be sold and the proceeds placed to the credit of stockholders, whose common stock has not been surrendered, and Commonwealth shall be dissolved.

The plan is subject to approval by this Commission and by the stockholders of Commonwealth, at a meeting to be held within three months of final approval by this Commission, and is thereafter subject to approval by an appropriate District Court.

III. *Investment associates plan.* The plan proposed by Investment Associates, Inc., provides that Commonwealth will change its name to "Southeastern Power Corporation" and reduce its authorized common stock to 12,000,000 shares of \$5 par value, of which it will issue one share in exchange for each three shares of present common stock. The plan further provides for successive sales for cash, at competitive bidding, of the common stocks of Southern Indiana Gas and Electric Company, Central Illinois Light Company and Ohio Edison Company, subject in each instance to the issuance of subscription rights to Commonwealth's common stockholders. It is proposed that the first of the foregoing sales shall be made not later than 60 days after the effective date of the plan and that the subsequent sales shall be made not later than 120 and 180 days respectively after such effective date.

Following completion of the aforesaid sales, it is proposed that Commonwealth obtain a "minimum term loan" in an amount sufficient (including the proceeds of the sales and other available cash) to pay in full the claims of Commonwealth's preferred stockholders. The amount of such loan is estimated at not more than \$75,000,000. The plan provides that the claim of preferred stockholders shall consist of the redemption price of such stock, including accrued dividends, or such lesser amount as this Commission may determine to be fair and equitable.

As soon as practicable after such payment to preferred stockholders, it is proposed that common stock of Consumers Power Company be sold for cash at competitive bidding in an amount sufficient (including other available cash) to reduce Commonwealth's loss to the extent required by this Commission. In connection with such sale, subscription rights will be issued to Commonwealth's common stockholders. Any balance of the common stock of Consumers Power Company will be distributed to common stockholders of Commonwealth. To facilitate the foregoing sales of common stocks and the issuance of subscription rights, the number of outstanding shares of such common stocks will be changed to appropriate amounts.

IV. Shassol proposal. The document filed by Shassol, designated "Outline of Plans Designed to Enable Commonwealth to Comply with the Commission's Order of April 9, 1942", discusses briefly various possible methods of accomplishing such compliance. The only method described in some detail involves a doubling of the number of outstanding shares of Consumers Power Company common stock and an offer to holders of Commonwealth's preferred stock of 2.4 shares of Consumers Power common stock, 1.2 shares of Ohio Edison Company common stock, \$4.50 in cash, and a dividend arrears certificate for approximately \$23, in exchange for each share of Commonwealth's preferred stock. The dividend arrears certificate would be retired by a cash payment from the proceeds of the sale of Commonwealth's holdings of Central Illinois Light Company and Southern Indiana Gas and Electric Company common stocks and from earnings. The foregoing exchange would be made either on a compulsory or voluntary basis.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find after notice and opportunity for hearing that the plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected thereby, and it appearing appropriate to the Commission that notice be given and a hearing be held upon the plan, filed by Commonwealth, to afford all interested persons an opportunity to be heard with respect thereto; and

It appearing appropriate, in view of the Commission's order of April 9, 1942, as affirmed by the United States Circuit Court of Appeals, and of the provisions of section 11 (d) with respect to court enforcement of such an order, to provide opportunity for hearing, as part of these consolidated proceedings, as to whether the Commission should approve any plan of reorganization of Commonwealth that may be hereafter proposed by the Commission in the first instance or that has been or may be proposed by any person having a bona fide interest in the reorganization;

It is ordered, That the hearing in these consolidated proceedings be reconvened at 11:00 a. m., e. d. s. t. on the 10th day of September 1946 at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3,

Pennsylvania, in such room as may be designated at that time by the hearing room clerk in Room 318.

It is further ordered, That any person who has not heretofore entered his appearance herein desiring to be heard or otherwise wishing to participate in these proceedings shall notify the Commission in the manner provided by its rules of practice, Rule XVII on or before September 7, 1946.

It is further ordered, That Richard Townsend, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of issues presented by said plan of Commonwealth or any other plan which has been or may be filed by any duly qualified persons, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the aforementioned plans, as proposed or as modified, are necessary to effectuate the provisions of section 11 (b) of the act, are fair and equitable to the persons affected thereby and are in conformity with the requirements of the Commission's order of April 9, 1942;

2. Whether provision in one or more of such plans for the proposed payment to the preferred stockholders of Commonwealth, in cash or in kind, of \$100 per share plus accrued and unpaid dividends, is fair and equitable to the persons affected thereby, or whether such payment should be modified so as to provide a larger or smaller payment to preferred stockholders;

3. Whether the following provisions in one or more of the plans are in the public interest, are in the interest of investors and consumers, and are consistent with all applicable requirements of the act and the rules thereunder: (a) the exchange on an optional or compulsory basis of stocks of underlying subsidiaries for preferred and/or common stock of Commonwealth, (b) the sale at competitive bidding of stocks of underlying subsidiaries.

4. Whether, and to what extent, the steps proposed in any of the plans are dependent upon the prior consummation of proposed transactions which are not included in the plans, and whether the Commission should approve any of such plans without having first approved any transactions which are prerequisite to the plan to be approved.

5. Whether the proposed accounting treatment in connection with the proposed plans is appropriate and in accordance with sound accounting principles and practices.

6. Whether the fees and expenses proposed to be paid in connection with the plans and related transactions are for necessary services and are reasonable in amount.

7. Whether, in the event that the Commission shall approve Commonwealth's plan as filed or as modified, the Commission shall approve such plan for purposes of section 11 (d) of the act (as well

as section 11 (e)) so as to permit the Commission on its own motion and irrespective of request therefor on the part of Commonwealth, to apply to a court for the enforcement of such plan pursuant to section 11 (d).

8. Whether, in the event that the Commission shall not approve Commonwealth's plan, as filed or as modified, a plan proposed by the Commission or any plan heretofore or hereafter filed by any person having a bona fide interest in the reorganization should be approved by the Commission for purposes of section 11 (d) and, if proposed by the Commission, what the terms and provisions of such plan should be.

9. Generally, whether the transactions proposed in such plans are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder and, if not, what modifications should be required to be made therein, and what terms and conditions should be imposed to satisfy the statutory standards.

It is further ordered, That notice of this hearing be given to The Commonwealth & Southern Corporation and to all other participants in these consolidated proceedings and to all other persons; such notice to be given to The Commonwealth & Southern Corporation and all other participants by registered mail and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Holding Company Act, and by publication in the FEDERAL REGISTER.

It is further ordered, That Commonwealth shall give notice of said hearing to all of its stockholders (insofar as the identity of such stockholders is known or available to Commonwealth) by mailing to each of said persons a copy of this notice and order for hearing at his last known address at least 20 days prior to the date of said hearing; and

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to said plan or to take such other action as may appear necessary or appropriate to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11967; Filed, July 10, 1946;
11:15 a. m.]

[File Nos. 7-921, 7-922]

FLORIDA POWER CORP. AND REPUBLIC PICTURES CORP.

ORDER SETTING HEARING ON APPLICATIONS TO
EXTEND UNLISTED TRADING PRIVILEGES

At a regular session on the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 9th day of July A. D. 1946.

In the matters of Applications by the Philadelphia Stock Exchange to extend unlisted trading privileges to Florida Power Corporation common stock, \$7.50 par value, File No. 7-921; Republic Pictures Corporation common stock, 50¢ par value, File No. 7-922.

The Philadelphia Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Wednesday, July 31, 1946, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Allen Mac Cullen, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11968; Filed, July 10, 1946;
11:15 a. m.]

[File Nos. 59-39, 54-50, 59-10, 54-82]

NORTH AMERICAN LIGHT & POWER CO.
HOLDING-COMPANY SYSTEM ET AL.

ORDER EXTENDING TIME FOR FILING REQUESTED FINDINGS AND BRIEFS CONCERNING CLAIMS AND CLAIM-OVER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of July 1946.

In the matters of North American Light & Power Company Holding-Company System and The North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; The North American Company et al., File No. 59-10; The North American Company, File No. 54-82.

The Commission having on May 10, 1946, issued its order in these consolidated proceedings fixing the time for filing requested findings and briefs concerning various claims asserted by Illinois Power Company, a registered holding company, against its direct and indirect parents, respectively, North Amer-

ican Light & Power Company and The North American Company, both registered holding companies, and concerning certain claims and a claim-over with respect to the claims of Illinois Power Company, asserted by certain preferred stockholders of North American Light & Power Company (known as the Walters Group) on behalf of North American Light & Power Company, against The North American Company; and

The record in these proceedings having, on April 22, 1946, been closed in so far as it relates to such claims and claim-over, without, however, having been concluded with respect to other phases of said proceedings;

An extension of time having previously been granted at the request of counsel for Illinois Power Company, in which request counsel for other parties concurred, pursuant to which the time for filing requested findings and briefs was extended until July 15, 1946, and the time for filing reply briefs was extended until July 29, 1946;

Counsel for certain preferred stockholders of North American Light & Power Company (known as the Walters Group) having requested that an additional extension of time for filing requested findings and briefs be granted; and

It appearing appropriate to the Commission that in view of the substantial period of time which has already elapsed since April 22, 1946, the date of the closing of the record herein, and in view of the importance of expediting disposition of this matter, such extension should not be granted as requested but that an extension for a period of one week may appropriately be granted in the time for filing requested findings and briefs and the time for filing reply briefs;

It is ordered, That the date heretofore fixed for filing requested findings and briefs be, and it hereby is, extended from July 15, 1946 to July 22, 1946, and the date heretofore fixed for reply briefs be, and it hereby is, extended from July 29, 1946 to August 5, 1946.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-11969; Filed, July 10, 1946;
11:15 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 6460]

ELINOR EMERY POLLARD

In re: In the matter of the Accounting of Elinor Emery Pollard as Executrix of the Estate of Robert S. Pollard, Deceased, Substituted Trustee under a Trust Agreement dated August 21, 1923. (File No. D-28-9321; E. T. sec. 12314).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of

Eva Losch, Hans Losch, Wolfgang Losch and Eric Losch, individually and as Administrator of the estate of Pauline Losch, deceased, and each of them, in and to the sum of \$4,013.88 now held by Elinor Emery Pollard, Executrix, pursuant to a Decree of the Court of Chancery of New Jersey, dated September 18, 1945, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Eva Losch, Germany.

Hans Losch, Germany.

Wolfgang Losch, Germany.

Eric Losch, individually and as Administrator of the estate of Pauline Losch, deceased, Germany.

That such property is in the process of administration by Elinor Emery Pollard, Executrix of the Estate of Robert S. Pollard, Deceased, acting under the judicial supervision of the Court of Chancery of New Jersey.

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 6, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11942; Filed, July 10, 1946;
9:59 a. m.]

[Vesting Order 6656]

AUGUSTE KARL

In re: Debt owing to Auguste Karl.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Auguste Karl, whose last known address is Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany):

2. That the property described as follows: All those debts or other obligations owing to Auguste Karl, by Richter & Kaiser, Inc., 186 Remsen Street, Brooklyn 2, New York, including particularly but not limited to a portion of the sum of money on deposit with Manufacturers Trust Company, 55 Broad Street, New York, New York, in a dollar account, entitled Richter & Kaiser, Inc. Special, Blocked as German Nationals, maintained at the branch office of the aforesaid bank located at 209 Montague Street, Brooklyn, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein

contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 19, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11944; Filed, July 10, 1946;
10:00 a. m.]

[Vesting Order 6562]

DIEDRICH FICKEN

In re: Estate of Diedrich Ficken, deceased. File No. D-28-10155; E.T. sec. 14451.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Katherine Ficken and Mamie Wurr, and each of them, in and to the Estate of Diedrich Ficken, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Katherine Ficken, Germany.
Mamie Wurr, Germany.

That such property is in the process of administration by the Public Administrator of the County of Queens, New York, as Administrator of the Estate of Diedrich Ficken, deceased, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 14, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11943; Filed, July 10, 1946;
9:59 a. m.]

[Vesting Order 6718]

I. G. FARBENINDUSTRIE A. G. ET AL.

In re: Bank accounts owned by I. G. Farbenindustrie A. G. and Internationale Industrie- und Handelsbeteiligungen A. G., formerly known as Internationale Gesellschaft fuer Chemische Unternehmungen A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

1. Having found and determined in Vesting Order Number 907, dated February 15, 1943, that I. G. Farbenindustrie A. G. is a national of a designated enemy country (Germany);

2. Finding that Internationale Industrie- und Handelsbeteiligungen A. G., formerly known as Internationale Gesellschaft fuer Chemische Unternehmungen A. G., also known as I. G. Chemie, a corporation organized under the laws of Switzerland, whose principal place of business is Basle, Switzerland, is a national of a foreign country and since the effective date of Executive Order Number 8389, as amended, has been owned and controlled by, and has been acting for and on behalf of, an enemy country and nationals thereof, including I. G. Farbenindustrie A. G., and is a national of a designated enemy country (Germany);

3. Finding that the property described as follows:

a. That certain debt or other obligation of Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Internationale Gesellschaft fuer Chemische Unternehmungen A. G., and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York, New York, arising out of a current account, entitled Internationale Gesellschaft fuer Chemische Unternehmungen A. G., and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Credit Suisse, New York Agency, 30 Pine Street, New York, New York, arising out of a current account, entitled Internationale Gesellschaft fuer Chemische Unternehmungen A. G., and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York, New York, arising out of a current account, entitled Internationale Gesellschaft fuer Chemische Unternehmungen A. G., and any and all rights to demand, enforce and collect the same,

is property within the United States payable and deliverable to and owing to Internationale Industrie- und Handelsbeteiligungen A. G., formerly known as Internationale Gesellschaft fuer Chemische Unternehmungen A. G., and owned and controlled by, held on behalf of or on account of I. G. Farbenindustrie A. G. and Internationale Industrie- und Handelsbeteiligungen A. G., formerly known as Internationale Gesellschaft fuer Chemische Unternehmungen A. G.; And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 24, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11945; Filed, July 10, 1946;
10:02 a. m.]

[Vesting Order 6728]

FORD WERKE AKTIENGESSELLSCHAFT

In re: Debt owing to Ford Werke Aktiengesellschaft. F-28-18103-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Ford Werke Aktiengesellschaft, the last known address of which is Henry Ford Strasse, Cologne, Niehl, Germany, is a corporation, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ford Werke Aktiengesellschaft, by Ford Motor Company, 3000 Schaefer Road, Dearborn, Michigan, in the amount of \$63,345.57, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11946; Filed, July 10, 1946;
10:00 a. m.]

[Vesting Order 6730]

MRS. MASA HIRAI

In re: Bank account owned by Mrs. Masa Hirai.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Mrs. Masa Hirai, whose last known address is Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Mrs. Masa Hirai, by The National City Bank of New York, New York, New York, arising out of a checking account, entitled Mrs. Masa Hirai, maintained at the branch office of the aforesaid bank located at 22 William Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be

deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11947; Filed, July 10, 1946;
10:00 a. m.]

[Vesting Order 6731]

RIHEI KAWASAKI OR HANA KAWASAKI

In re: Bank account owned by Rihei Kawasaki or Hana Kawasaki. D-39-6914-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Rihei Kawasaki and Hana Kawasaki, whose last known address is Shizouka Ken, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Rihei Kawasaki or Hana Kawasaki, by Security-First National Bank of Los Angeles, 110 South Spring Street, Los Angeles, California, arising out of a Savings Account Number 390897, entitled Rihei Kawasaki or Hana Kawasaki, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, in-

cluding appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11948; Filed, July 10, 1946;
10:00 a. m.]

[Vesting Order 6732]

HIDEO MASUTANI

In re: Bank account owned by Hideo Masutani. F-39-2026-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hideo Masutani, whose last known address is 1579 Karnizawa, Nagano-Ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Hideo Masutani, by The First National Bank of Chicago, Chicago 90, Illinois, arising out of a checking account, entitled Hideo Masutani; and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Hideo Masutani, by The First National Bank of Chicago, Chicago 90, Illinois, arising out of a savings account, Account Number 1,247,712, entitled Hideo Masutani, and any and all

rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11949; Filed, July 10, 1946;
10:01 a. m.]

[Vesting Order 6734]

MIKITARO MIHO

In re: Debt owing to Mikitaro Miho, also known as M. Miho. F-39-474-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Mikitaro Miho, also known as M. Miho, whose last known address is

Kawasaki, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: All those debts or other obligations owing to Mikitaro Miho, also known as M. Miho, by H. A. Brassert & Company, 60 East 42nd Street, New York 17, New York, including particularly but not limited to a portion of the sum of money on deposit with Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois, in a regular account, entitled H. A. Brassert & Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11950; Filed, July 10, 1946;
10:01 a. m.]

[Vesting Order 6735]

SUKISABURO NAGAI

In re: Bank account owned by Sukisaburo Nagai, also known as S. Nagai. F-39-84-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Sukisaburo Nagai, also known as S. Nagai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Sukisaburo Nagai, also known as S. Nagai, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a checking account, entitled S. Nagai, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11951; Filed, July 10, 1946;
10:01 a. m.]

[Vesting Order 6736]

KASUMI NAKASHIMA OR YAYOI NAKASHIMA

In re: Bank account owned by Kasumi Nakashima or Yayoi Nakashima. F-39-2987-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Kasumi Nakashima and Yayoi Nakashima, his sister and co-owner, whose last known address is Kumamoto, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Kasumi Nakashima or Yayoi Nakashima, by Security-First National Bank of Los Angeles, 6th and Spring Streets, Los Angeles, California, arising out of a savings account, Account Number 90559, entitled Kasumi Nakashima or Yayoi Nakashima, maintained at the branch office of the aforesaid bank located at Inglewood, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof,

if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11952; Filed, July 10, 1946;
10:01 a. m.]

[Vesting Order 6737]

**NORD-DEUTSCHE VERSICHERUNGS-
GESELLSCHAFT**

In re: Bank account owned by Nord-Deutsche Versicherungs-Gesellschaft. F-28-8182-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Nord-Deutsche Versicherungs-Gesellschaft, the last known address of which is Alterwall 12, Hamburg 11, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Nord-Deutsche Versicherungs-Gesellschaft, by Bank of the Manhattan Company, 40 Wall Street, New York, New York, arising out of a checking account, entitled Nord-Deutsche Versicherungs-Gesellschaft, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the in-

terest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11953; Filed, July 10, 1946;
10:01 a. m.]

[Vesting Order 6738]

TAKATO OKUYAMA

In re: Bank account owned by Takato Okuyama. F-39-2278-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Takato Okuyama, whose last known address is No. 2 Tazamon Shō Shiba Ku, Shiba P. O. Box No. 52, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Takato Okuyama, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a compound interest account, Account Number A 95783, entitled Mr. Takato Okuyama, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11954; Filed, July 10, 1946;
10:02 a. m.]

[Vesting Order 6739]

IRENE PIETZSCH

In re: Bank account owned by Irene Pietzsch. F-28-6643-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Irene Pietzsch, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Manufacturers and Traders Trust Company, 284 Main Street, Buffalo 5, New York, arising out of a trust department account, Account Number 2428, entitled Agent and Custodian for Irene Pietzsch, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Irene

Pietzsch, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11955; Filed, July 10, 1946;
10:02 a. m.]

[Vesting Order 6740]

KURT PIETZSCH

In re: Bank account owned by Kurt Pietzsch. F-28-6644-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Kurt Pietzsch, whose last known address is Lerchenplatz 6, Muenchen-Solln, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Manufacturers and Traders Trust Company, 284 Main Street, Buffalo 5, New York, arising out of a Trust Depart-

ment Account, Account Number 2431, entitled Agent and Custodian for Kurt Pietzsch, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kurt Pietzsch, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11956; Filed, July 10, 1946;
10:02 a. m.]

[Vesting Order 6741]

HENRY RECHTEN AND FRIEDA RECHTEN

In re: Bank account owned by Henry Rechten or Frieda Rechten. F-28-13267-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Henry Rechten and Frieda Rechten, whose last known address is Langenhausen #7 Post Guarrenburg O. P. D. Bremen, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Henry Rechten or Frieda Rechten, by East Brooklyn Savings Bank, 975 Bedford Avenue, Brooklyn 5, New York, arising out of a savings account, Account Number 201782, entitled Henry Rechten or Frieda Rechten, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on June 25, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-11957; Filed, July 10, 1946;
10:02 a. m.]